

Submitter:

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On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

HB4145

Imposes Undue Burdens on a Constitutional Right The Second Amendment, as clarified in Heller (2008) and Bruen (2022), protects the right of law-abiding individuals to keep and bear arms for self-defense. Regulations that create excessive financial or temporal obstacles are unconstitutional when they lack historical analogues and effectively deny the right. HB4145:

Extends the maximum permit issuance timeline from 30 to 60 days, with no hard deadline if background checks remain incomplete (potentially indefinite delays)

Increases fees to \$150 for initial permits and \$110 for renewals These changes function as a modern poll tax and waiting-period barrier, disproportionately impacting lower-income Oregonians who live in high-crime areas and need quick access to lawful self-defense tools.

Creates a De Facto Statewide Firearm-Owner Registry The bill directs the Department of State Police to maintain a centralized electronic database of every permit application, issuance, renewal, revocation, and demographic data (used for annual “equity” reporting). Even though the data is exempt from public-records disclosure, the system still constitutes a registry of firearm owners. Every post-2028 purchase or transfer will be tied to this database. Registries historically enable future confiscation, data breaches, or political targeting. They also chill the exercise of constitutional rights, as many citizens will avoid applying due to legitimate privacy and surveillance concerns.

Grants Excessive Subjective Discretion to Officials Permit agents (sheriffs or police chiefs) may deny applications based on vague “indicators of danger” even without a criminal conviction, misdemeanor, or protective order. This broad, poorly defined authority invites arbitrary, biased, or politically motivated denials. Applicants must then bear the cost and burden of court appeals to challenge those decisions.

Subjective “may-issue” standards of this kind were explicitly rejected by the U.S. Supreme Court in Bruen. The bill revives that flawed approach under a different name.

Establishes a Privileged Class of Citizens Active and retired law-enforcement officers are exempt from permit fees, delays, and most background-check requirements for both official and off-duty carry. If the permitting process is genuinely necessary for public safety, there is no logical reason to exempt government employees while imposing the full burden on ordinary citizens. This creates a two-tiered system that violates equal-protection principles and erodes public trust.

Ineffective and Misguided Crime-Control Strategy Most firearms used in crimes are obtained illegally (theft, straw purchase, black market), not through lawful transfers subject to permitting. HB4145 does nothing to address prohibited persons who already ignore the law. Instead, it diverts substantial law-enforcement and DSP

resources to processing paperwork for compliant citizens. The bill claims to address suicide and domestic violence through training requirements, yet provides no new mechanisms to enforce existing prohibitions against dangerous individuals.

#### Conclusion

HB4145 burdens law-abiding Oregonians with higher costs, longer waits, subjective denials, and a permanent registry, while exempting government employees and failing to reduce criminal gun use. These measures infringe on Second Amendment rights, violate equal protection, invite government overreach, and misdirect resources away from genuine threats. The bill should be rejected in favor of policies that respect constitutional protections and focus enforcement on those who actually commit violent crimes.