

Written Testimony Regarding HB4145A

Position on Measure: **OPPOSE**

Testimony:

These remarks pertain to the "A-Engrossed" version of OR HB4145A (below, "the 2026 Act"), as distributed from the URL <https://olis.oregonlegislature.gov/liz/2026R1/Downloads/MeasureDocument/HB4145/A-Engrossed>

1) Effect on Ballot Measure 114:

Section 1 (PDF of the 2026 Act at page 1 lines 9-10) is clear: it repeals Ballot Measure 114.

Simultaneously, in Section 18a of the 2026 Act (page 28 lines 1-5), HB4145A declares that:

The Legislative Assembly does not intend this 2026 Act to render moot or otherwise affect any proceedings pending before the Oregon Supreme Court concerning the constitutionality of Ballot Measure 114 (2022), and the court has authority to issue a judgment on the issue of the constitutionality of Ballot Measure 114 (2022) notwithstanding any amendments to chapter 1, Oregon Laws 2023, by this 2026 Act.

Notwithstanding that declaration, **it is hard to see how the 2026 Act could NOT impact the pending litigation: it clearly declares the focus of those appeals as repealed.**

Even if the appellate courts take the 2026 Act's intent at face value, proceeding with the 2026 Act would confuse the applicability of any decision by the Oregon State Supreme Court and/or Federal rulings, is untimely and is unhelpful since litigation remains pending in both the state and Federal court systems.

2) If There's An Urgent Gun-related "Emergency," Implementation of HB4145A Should Not Be Delayed Until 1/1/2028

Section 20 of the 2026 Act (page 28 line 15-17) provides that an "emergency" exists (emphasis added):

This 2026 Act being necessary for the ***immediate preservation of the public peace, health and safety***, an ***emergency*** is declared to exist, and this 2026 Act takes effect on its passage.

Simultaneously, the 2026 Act establishes a "leisurely" implementation schedule. For example:

- Page 2 lines 2-4 (emphasis added):

*"SECTION 1b. Notwithstanding the amendments to section 10, chapter 1, Oregon Laws 2023, by section 6, chapter 594, Oregon Laws 2025, a permit to purchase a firearm is not required for firearm transfers occurring prior to **January 1, 2028.**"*

- Page 8 line 1:

"TRANSFERS OCCURRING BEFORE JANUARY 1, 2028"

[...] "(2) Except as provided in subsection (12) of this section, a gun dealer shall comply with the following before a firearm or unfinished frame or receiver is delivered to a purchaser:

(a) The purchaser shall present to the gun dealer current identification meeting the requirements of subsection (4) of this section and, **for transfers occurring on or after January 1, 2028**, a valid permit issued under ORS 166.505."

This is quite the odd "emergency," given that it allows for nearly a two year implementation timeline!

(3) Section 7 Renders Sections 8 and 9 Moot

Section 7 establishes requirements for transfer of a firearm between non-gun-dealer transferors and non-gun-dealer transferees may **ONLY** be conducted via a gun dealer. Subsection 2 (page 12 lines 10-12) provides that

*(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.***

That section renders section 8 moot: section 8 enables checks by parties who are NOT GUN DEALERS at gun shows. Those non-dealer-mediated transfers are forbidden by section 7. As such, section 8 should be deleted in its entirety.

Similarly, section 9 is also moot: again, all private party transfers need to be done via a gun dealer. Delete section 9 in its entirety.

(4) Section 7 is Unnecessarily Restrictive in Parts, and Unfairly Discriminative in Other Parts

i. That section mandates that both parties to a firearms transfer appear **at the same time** before a gun dealer (see page 12 at lines 13-17), **unless** the transferor and transferee reside more than 40 miles apart (page 12 at 18-20).

If asynchronous transfers (NOT requiring simultaneous appearances for both parties to the transactions) work for those more than 40 miles apart, asynchronous transfers should be permitted for ALL transferors and transferees, not JUST for those who happen to reside more than 40 miles apart.

ii. Section 7 frames its discussion in terms of "a firearm," e.g., ONE gun. Under some circumstances, a gun owner may want to transfer multiple firearms from his or her collection to the same transferee in a single transaction. As written, a unique authorization number may be needed for **each** firearm transferred, unnecessarily increasing the burden on the State of Oregon, gun dealers, and law abiding firearm owners. **A single authorization number should be allowed to cover one OR MORE firearms conveyed in a single transaction between the same transferor and transferee.**

iii. Section 7 discusses Federally-licensed gun dealers, manufacturers and importers (see page 12 at lines 6-9) but is silent about **Federally-licensed collectors of curios and relics** (see <https://www.atf.gov/firearms/federal-firearms-licenses>), e.g., type 03 Federal Firearms License holders. Type 03 FFL holders should be treated on par with gun dealers, manufacturers and importers.

iv. Fees for facilitating a private party firearms transfer are required to be "reasonable," (page 12 at lines 33-34) but no specific cap on transfer charges is established in the 2026 Act, nor is there any defined recourse if a gun dealer demands an unreasonable fee for this service. **A maximum fee for private transfers should be established as part of the Act.**

v. Some parties are exempt from otherwise-normally-required processes (page 24 at 19-21):

"The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement officer, private security professional or member of the Armed Forces of the United States, while that person is acting within the scope of official duties."

See also page 25 at lines 2-4:

"(6) A valid permit to purchase a firearm issued under ORS 166.505 is not required for a firearm transfer under this section if the transferee is a peace officer as defined in ORS 133.005 or a parole and probation officer as defined in ORS 181A.355."

Surprisingly, this list of those otherwise-exempt from restrictive processes does NOT include Oregon Concealed Handgun License holders. **Oregon Concealed Handgun License holders have been carefully trained and scrutinized by the state, and their status should be acknowledged on par with the other parties exempted by these provisions.**

(5) The 2026 Act Is Unnecessarily Long and Complex

Many of the provisions in the "before January 1st, 2028" section of the 2026 Act repeat in the "After January 1st, 2028" section (sections 12-17), and the complaints with respect to the "before" section are realleged and complained of with respect to the "after" section of the 2026 Act.

(6) The 2026 Act Establishes an Unneeded and (Incomplete) Firearms Registry With No Defined Purpose

The 2026 Act creates a firearms registry (see page 21 at lines 19-26). The purpose of this database is not explained. The section should be expanded to describe the purpose and use of this registry, and why this infringement on gun owner privacy is necessary. We also note that hundreds of thousands (if not millions) of firearms will NOT be recorded in that database, unless an unarticulated subtext of this measure is a future requirement that ALL firearms be recorded in this new database. **We urge you to delete the provision establishing this registry in its entirety.**

(7) So-Called "Large Capacity Magazine" Provisions (Section 11 of the 2026 Act)

i. Section 11 defines "large capacity magazines" as having a capacity of more than 10 rounds. If fact, magazines larger than 10 rounds are actually "standard capacity magazines" for many firearms, and have been for decades (for example, the Browning P35 pistol was created in 1935, nearly a century ago, and came with a standard magazine capacity of 13 rounds of 9x19 cartridges). Similarly, the M1 Carbine was created in 1941, and had a capacity of 15-30 rounds. There is nothing magical about magazines that contain 10 rounds vs magazines that contain 15, 30, or even more cartridges. Gun owners will be able to easily reload when they finish firing 10 rounds, and functionally get the impact of 30 rounds with three 10 round magazines. **Limiting magazines to 10 rounds accomplishes nothing.**

ii. The measure seems to expect that magazines manufactured after December 8, 2022, will be **stamped or marked** (see page 17 at lines 23-27), but magazine manufacturers were under no obligation to do so.

iii. It is also unclear how the owner of magazine owned prior to January 1st, 2027, is to **establish that ownership for the purposes of the affirmative defense defined at page 18 lines 25-28**. The measure should explain how that is to be accomplished.

iv. The 2026 Act specifically exempts tubular magazines for **.22 caliber** rimfire ammunition (page 16 at lines 27-28), however rimfire cartridges also exist in other calibers. There's no reason to exempt JUST .22 caliber rimfire ammunition while excluding .17 caliber rimfire ammunition or .20 caliber rimfire ammunition. **Recommend eliminating specific calibers from the rimfire ammunition exemption.**

v. The 2026 Act allows **tubular magazines** for .22 caliber firearms, but implicitly criminalizes other rimfire feeding mechanisms. This is pointless, since a .22 caliber **box magazine** provides the same functionality as a .22 caliber tubular magazine. Recommend excluding all rimfire firearms from magazine capacity limits.

vi. The 2026 act specifically exempts lever action rifles, but is silent about other manually operated actions, such as bolt action firearms and pump action firearms. **Recommend exempting all manually operated firearm action types.**

(8) Fees

Fees for the new firearms permit are set to be \$150. That's far too high, and will disproportionately impact the economically-marginal residents of Oregon. If the state insists on requiring a permit to exercise a constitutionally protected right, that permit should be available at no charge, or at a very low cost. (Would you accept a \$150 fee to vote in Oregon elections? To be a member of a church congregation and pray on the Sabbath?)

Bottom line, there are so many problems with this bill, it should NOT be allowed to advance. Its unneeded, will do nothing to help keep Oregonians safe, and will immediately be the subject of litigation.

