

Submitter: William loar
On Behalf Of:
Committee: Senate Committee On Rules
Measure, Appointment or Topic: HB4145

HB 4145-A Is Unconstitutional and Will Be Fought

I am writing to formally oppose HB 4145-A and to put you on notice that this bill is unconstitutional on its face, incompatible with both the United States Constitution and the Oregon Constitution, and will be actively resisted by Oregonians through every lawful means available.

HB 4145-A expands and entrenches a permit-to-purchase scheme that conditions the exercise of a fundamental constitutional right on prior government approval. This is not regulation; it is permission. The Second Amendment does not recognize a government gatekeeper empowered to decide when or whether a law-abiding citizen may exercise a protected right.

The United States Supreme Court made the controlling legal standard unmistakably clear in *New York State Rifle & Pistol Association v. Bruen* (2022). If a firearm regulation restricts conduct covered by the Second Amendment, the burden rests entirely on the government to demonstrate that the regulation is consistent with the Nation's historical tradition of firearm regulation. Interest balancing, public safety rationales, and modern policy preferences are explicitly rejected.

No Founding-era historical analogue exists for permit-to-purchase systems, discretionary licensing schemes, mandatory pre-approval to acquire arms, open-ended delays, or training requirements imposed as a prerequisite to exercising a constitutional right. Laws of this nature fail the *Bruen* test on their face.

Declaring an "emergency" does not cure these constitutional defects. Emergency declarations do not suspend enumerated rights, nor do they create historical precedent where none exists. Using emergency powers to bypass voter review while restricting a fundamental right only compounds the constitutional violation.

HB 4145-A also conflicts with Article I, Section 27 of the Oregon Constitution, which guarantees that "the people shall have the right to bear arms for the defence of themselves, and the State." A statutory scheme that delays, denies, or effectively prevents ordinary, law-abiding citizens from acquiring firearms undermines the core of that guarantee.

Be clear about this: if HB 4145-A becomes law, it will be challenged. It will be litigated. It will be examined under both federal and state constitutional standards. And it will not quietly stand. Oregonians are informed, attentive, and prepared to defend their rights through the courts, the ballot box, and sustained civic pressure. This bill does not make Oregon safer. It exposes the state to prolonged litigation, erodes public trust, and places legislators on the wrong side of settled constitutional doctrine.

I urge you to oppose HB 4145-A and any future legislation that treats a constitutional

right as a privilege subject to government permission.

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