

**TESTIMONY IN OPPOSITION TO
OREGON HOUSE BILL 4145 AND MEASURE 114**

Submitted to the Oregon Legislative Assembly

February 2026

I respectfully submit this testimony in strong opposition to House Bill 4145 and Ballot Measure 114. These measures, individually and together, represent a serious infringement upon the constitutional rights of Oregon's law-abiding citizens, create an unconstitutional two-tiered class system under the law, and will disproportionately harm the poor, disabled, and other marginalized communities throughout our state. I urge the Legislature to reject these measures in their entirety.

I. HB 4145 and Measure 114 Violate the Second Amendment

The Second Amendment to the United States Constitution guarantees the right of the people to keep and bear arms a right the Supreme Court has confirmed is individual and fundamental. In *District of Columbia v. Heller* (2008) and *New York State Rifle & Pistol Association v. Bruen* (2022), the Court made clear that the government may not prohibit law-abiding citizens from possessing firearms and accessories that are in common use for lawful purposes, including self-defense.

HB 4145 and Measure 114 ban the manufacture, transfer, and possession of standard-capacity magazines those holding more than 10 rounds. These are not exotic or unusual items. Magazines holding 11 or more rounds are standard equipment in the most popular handguns and rifles sold in America today. Tens of millions of Americans, including hundreds of thousands of Oregonians, lawfully own and use these magazines for self-defense, competitive shooting, and recreation. Under the Bruen standard, any firearms regulation must be consistent with the historical tradition of firearm regulation in the United States. No such historical tradition exists for banning standard-capacity magazines.

Furthermore, the Supreme Court's ruling in *Heller* explicitly warned against bans on arms or accessories that are "in common use at the time." Standard-capacity magazines indisputably meet this threshold. Restricting what millions of law-abiding citizens may possess under threat of criminal prosecution is precisely the kind of categorical ban the Constitution prohibits.

II. These Laws Create an Unconstitutional Two-Tiered Class System

Perhaps the most troubling aspect of HB 4145 and Measure 114 is the explicit carve-out for law enforcement officers. Under these measures, active and retired law enforcement personnel are permitted to possess and use standard-capacity magazines that are criminalized for ordinary citizens.

This creates an unconstitutional and morally unjust two-tiered class of citizenship: a privileged class of government-connected individuals who retain full access to the most effective self-defense tools, and a subordinate class of everyday Oregonians who are stripped of the same rights. The equal protection principles embedded in both the federal and Oregon constitutions demand that the law apply equally to all citizens.

If standard-capacity magazines are truly so dangerous that their possession must be criminalized, then no exception for law enforcement is justifiable. If they are appropriate for off-duty and retired officers, private citizens in all practical respects then they must remain legal for all law-abiding citizens. The Legislature cannot have it both ways. This exemption implicitly acknowledges that these magazines have legitimate defensive utility while simultaneously denying that utility to ordinary Oregonians. That is not sound policy; it is the codification of inequality before the law.

III. These Measures Will Disproportionately Harm Marginalized Oregonians

A. The Economic Burden on Low-Income Oregonians

Measure 114 imposes a permit-to-purchase requirement that includes fees, training mandates, fingerprinting, and background checks administered through an entirely new state bureaucracy. These requirements place the cost of exercising a constitutional right squarely on individuals who can least afford it. For a low-income Oregonian, a single mother working two jobs, a minimum wage earner in a rural county, the financial and logistical burden of navigating this permit system may be entirely prohibitive.

History is unambiguous on this point: permitting schemes and financial barriers to firearms ownership have long been used as tools of exclusion against poor and minority communities. The Poll Tax was struck down because placing a fee on a fundamental right is unconstitutional. The same principle applies here. A right that only the wealthy or well-connected can afford to exercise is not a right at all it is a privilege.

Low-income individuals are also statistically more likely to live in high-crime areas where the need for effective self-defense is most acute. Limiting them to 10-round magazines while criminals face no such restriction leaves the most vulnerable Oregonians less equipped to protect themselves and their families.

B. The Impact on Persons with Disabilities

For individuals with physical disabilities, limited hand strength, mobility impairments, conditions affecting fine motor control, or the inability to rapidly reload — a standard-capacity magazine may not be a preference but a necessity. Reloading a firearm under stress requires dexterity and speed that many disabled persons simply do not have. Forcing a disabled person to choose between an artificially limited magazine and no effective means of self-defense is not a reasonable regulation; it is a denial of their right to self-preservation.

The Americans with Disabilities Act reflects a national commitment to ensuring equal access to civic life. Firearms regulations that effectively disarm the disabled while law enforcement retains full access are incompatible with that commitment and with the equal protection of the law.

C. Rural and Underserved Communities

Oregon is a geographically vast state. Many rural residents live far from the nearest law enforcement response. In some communities, emergency response times can exceed 30 minutes or more. For these Oregonians, a firearm is not merely a tool it is often the only realistic means of protection available in an emergency. Restricting magazine capacity for rural residents who

may face multiple threats and cannot rely on rapid law enforcement response is a policy built on urban assumptions that do not reflect the lived reality of much of this state.

Native American communities on tribal lands, rural communities of color, and others who have historically experienced under policing or hostile relationships with law enforcement rely more heavily on their own means of self-defense. Stripping them of effective tools while exempting the very law enforcement that has often failed or harmed them compounds historic injustice.

D. Women and Domestic Violence Survivors

Women, particularly survivors of domestic violence and stalking, represent one of the fastest-growing demographics of responsible gun owners. Many choose firearms specifically because a firearm is among the few tools that can equalize a physical confrontation between a smaller victim and a larger, stronger abuser. Magazine restrictions and cumbersome permit requirements delay and complicate access to this equalizer at a time when a survivor's life may be in immediate danger. Bureaucratic delays and reduced magazine capacity are policy choices that could cost lives, specifically the lives of women trying to protect themselves from abusers.

IV. These Measures Will Not Reduce Crime

Proponents argue these measures will reduce violence. The evidence does not support this claim. The federal assault weapons ban, which included a magazine capacity restriction, was in effect from 1994 to 2004. A Department of Justice-funded study found it had no measurable impact on crime. Criminals do not comply with magazine restrictions; they obtain prohibited items illegally or simply carry multiple lower-capacity magazines. Law-abiding citizens are the only ones who will comply and they are not the source of Oregon's crime problem.

These bills do not disarm criminals. They disarm the law-abiding. They do not make Oregon safer. They make Oregon's most vulnerable residents less safe.

V. Conclusion

HB 4145 and Measure 114 are unconstitutional infringements on the Second Amendment rights of Oregon's law-abiding citizens. They create an impermissible two tiered class of citizens privileging law enforcement over the people they serve and they impose the heaviest burdens on those least able to bear them: the poor, the disabled, rural residents, domestic violence survivors, and historically marginalized communities.

The Oregon Legislature should oppose these measures, protect the constitutional rights of all Oregonians equally, and focus on evidence-based approaches to public safety that do not sacrifice the rights of the vulnerable to a false promise of security.

Respectfully submitted,

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