

Submitter: Tony Fields  
On Behalf Of: Myself  
Committee: Senate Committee On Rules  
Measure, Appointment or Topic: HB4145

I am submitting this testimony in opposition to HB 4145 and respectfully urge you to vote NO on any version of this bill due to its potential for discriminatory enforcement, disproportionate impacts on marginalized communities, and serious constitutional concerns. This bill risks furthering systemic inequities and creating barriers to the rights of law-abiding Oregonians, particularly people of color and lower-income individuals.

HB 4145 will result in racial and economic discrimination in firearm permitting, because the bill gives law enforcement broad discretion to determine who is “likely to be a danger to themselves or others” when deciding whether to approve a firearm purchase permit. Studies show that discretionary gun permitting systems disproportionately impact Black, Latino, and lower-income applicants, even when they meet all legal requirements. In states with similar laws, marginalized communities have been denied permits at higher rates than white applicants, despite having no disqualifying records. HB 4145 will result in replicating this pattern of racial and socioeconomic bias, reinforcing systemic inequities in law enforcement decision-making. This is especially concerning for people living in the Portland metro area, and I cannot fathom how anyone believes that the Portland Police Bureau can be trusted to implement any part of this bill uniformly, fairly, or consistently.

Speaking of law enforcement, let’s also not forget that HB 4145 creates sweeping exemptions for active and retired law enforcement personnel, allowing them to possess so-called high-capacity magazines while prohibiting the same for anyone not affiliated with law enforcement. This inequality under the law is unconstitutional on its face and will be challenged - and inevitably - struck down.

HB4145 imposes financial barriers that disproportionately harm low-income Oregonians. HB4145 increases permit fees to \$150 for an initial permit and \$110 for renewal, in addition to background check and mandatory training costs. These fees are a direct financial barrier to constitutional rights, much like the poll taxes that were historically used to suppress voting rights. Wealthier individuals will still have access to firearms, while lower-income residents—especially those in historically marginalized communities—will be effectively priced out. Further, because this bill disproportionately impacts lower-income and minority individuals due to increased fees and discretionary permitting, it may violate the Fourteenth Amendment’s Equal Protection Clause if shown to result in systemic bias. Progressive policies should not reinforce economic inequality in access to constitutional rights. It’s also worth noting that HB 4145 also doubles the allowable processing time from 30 days to 60 days.

Taken together, this bill makes accessing our Constitutionally protected rights unaffordable and inaccessible.

Retroactive Punishment Violates the U.S. and Oregon Constitutions HB 4145 criminalizes the possession of large-capacity magazines that were legally purchased prior to the bill's passage. The U.S. Constitution (Article I, Section 10) and the Oregon Constitution (Article I, Section 21) both prohibit retroactive punishment, meaning that individuals who followed the law at the time of purchase could suddenly be made criminals. This is fundamentally unfair and when challenged, it will also inevitably be struck down.

HB 4145 will lead to costly legal challenges and additional wasted taxpayer dollars. When this bill is inevitably challenged in court – just as Measure 114 has been challenged - it is likely to be overturned, requiring the state to waste even more taxpayer money defending an unconstitutional law.

I strongly urge you to vote NO on HB 4145. Instead of passing a discriminatory, unconstitutional law that will be challenged in court, let's focus on policies that actually promote equity and public safety without punishing marginalized communities.