

Submitter: Josh Kulla  
On Behalf Of:  
Committee: Senate Committee On Judiciary  
Measure: SB348

Members of the Legislature,

I would urge you all to think long and hard before attempting to push another version of Measure 114 onto Oregonians. This bill will not become any more constitutional the second time around, and is guaranteed to run into the same legal challenges that will likely see the original Measure stricken as unconstitutional both under the Oregon and the United States constitutions. This bill, and the numerous provisions within, including the proposed ban on so-called "large capacity magazines," clearly fails the text, history, and tradition test required of firearms laws by the United States Supreme Court in "New York State Rifle & Pistol Association, Inc. v. Bruen." As such, SB 348 will not fare any differently in state and federal court than its predecessor, and will ultimately be struck down and overturned by the judiciary. Why would you, stewards of our tax dollars, waste so many of those dollars attempting to enact a futile measure that, even if took effect, would have absolutely no effect on violent crime anyway?

In addition, the section of this bill which would allow the state to prosecute persons who purchased so-called "large capacity magazines" after Dec. 8, 2022, is also a legal non-starter, as this is clearly an ex post facto provision that would never withstand legal scrutiny. Any so-called "large capacity magazines" purchased after that date, and indeed, up to the present day, are purchased under existing laws that render them legal to purchase and possess. You cannot retroactively criminalize conduct that was legal at the time said conduct took place, and any attempt to do so will be guaranteed to fail in a court of law. And that is before considering the legal and constitutional problems with banning so-called "large capacity magazines" in the first place, as outlined above.

Furthermore, by requiring a substantial set of fees in excess of several hundred dollars simply to exercise a human and constitutional right, this bill also is clearly inequitable and places a much greater financial and logistical burden upon would-be "permit to purchase" applicants who are in lower income brackets. And, as we all know, people of color and other disadvantaged groups disproportionately fall into lower income brackets. This makes SB 348 racist and classist, as well as unconstitutional.

And lest any of you think that only conservatives are opposed to this measure, I have never voted for a Republican candidate in my life, but the conduct of Oregon Democrats when it comes to "gun control," as well as their encouragement of, and

pandering to, criminal activity on our streets, has me confounded over to support politically in the future. Continued efforts to disarm law abiding citizens at the same time as police numbers are at record lows and district attorneys around the state refuse to prosecute violent and property crimes is completely unacceptable to me and a majority of Oregonians.

This measure is an unconscionable waste of time and resources, and I strongly urge all of you to reconsider any potential support. Please dump this bill in the trash where it belongs.