

I. Deficiencies, Conflicts, and Unconstitutionality

I am fully opposed for the reasons set forth in entirety below,

Deficiencies: Vague Permit Denial Standards: ORS 166.508(2) permits denials on "reasonable grounds" of danger, but its ambiguity risks arbitrary enforcement across Oregon's jurisdictions.

Unclear Fee Allocation: Fees of \$150 (initial) and \$110 (renewal) cap the State Police portion at \$48, leaving the rest undefined, potentially overburdening applicants or agents.

Complex Implementation Timeline: Permit requirements start July 1, 2026, with exceptions narrowing by July 1, 2028, confusing rural gun owners (30% of Oregonians, 2020 Census) and dealers.

Privacy Risks in Database: ORS 166.505(5)(c) mandates five-year retention of permit records **without** strong security, risking breaches despite disclosure exemption.

Conflicts Federal Preemption: Permit and background check mandates overlap with federal law (18 U.S.C. 922), clashing with the Brady Act, per *Printz v. United States* (1997).

Internal Inconsistency: Temporary firearm exceptions (ORS 166.412(15)(a)) end in 2028, while law enforcement and military exemptions (ORS 166.412(15)(b)) are permanent, **lacking rational basis.**

State Law Tension: Local agent discretion (ORS 166.505) **undermines** Oregon's preemption statute (ORS 166.170), per *State v. Robison* (1972).

II. Unconstitutionality Under Oregon Law

Article I, Section 27 (Right to Bear Arms): Permit, training, and fee burdens infringe on the right to bear arms, per *State v. Kessler* (1980). Oregon's 1859 laws lacked such restrictions, failing historical scrutiny.

Article I, Section 20 (Equal Privileges): Exempting active-duty law enforcement and military (ORS 166.412(15)(b)) but not trained civilians (e.g., retirees) **violates equal protection.** Local discretion conflicts with preemption (*Robison*).

Article IV, Section 28 (Emergency Clause): Section 24 declares an emergency for immediate effect, **bypassing referendum rights** (Article IV, Section 1(3)(b)). *Bennett Trust Co. v. Sengstacken* (1911) **requires a factual crisis;** HB 3075's delayed rollout (2026-2028) and **lack of imminent threat evidence is bad faith.**

Using an emergency clause just to pass a bill with bad faith efforts—evading voter scrutiny without genuine urgency—renders it illegal under Oregon law, as it subverts democratic process without justification!!

III. Unconstitutionality Under Federal Law

Second Amendment: The permit scheme and magazine ban (ORS 166.355) burden the right to bear arms. Heller (2008) and McDonald (2010) protect this right; Bruen (2022) demands historical precedent—unmet here, as Oregon’s 19th-century laws had none. California’s magazine ban **fell** in Duncan v. Bonta (2023) **for the same reason.**

Tenth Amendment: Forcing local officials to enforce permits mirrors Printz v. United States (1997), barring federal commandeering. California’s post-Bruen permit efforts face similar scrutiny.

Fourteenth Amendment (Due Process): Vague “reasonable grounds” denials (ORS 166.508(2)) and a weak appeal process—30-day petition, no resolution timeline (ORS 166.508(6))—violate Mathews v. Eldridge (1976). Fees (\$150 initial, plus training) burden rural or low-income Oregonians, taxing a right per Murdock v. Pennsylvania (1943). A bad faith emergency clause, used merely to expedite passage, subverts voter input, implicating Meyer v. Grant (1988).

Neighboring State Precedent: California’s Duncan v. Bonta
Context: California’s Proposition 63 (2016) banned large-capacity magazines, akin to ORS 166.355. Struck down in Duncan v. Bonta (2023) post-Bruen for lacking historical tradition.

Relevance: HB 3075’s magazine and permit restrictions will fail Bruen, with Printz-like concerns in California’s permit challenges.

Relevant SCOTUS Precedents:

Heller (2008): Struck down handgun ban, scrutinizing burdens.

McDonald (2010): Extended Heller to states.

Bruen (2022): Invalidated discretionary permitting without historical basis.

Printz (1997): Barred federal commandeering.

Murdock (1943): Prohibited fees taxing rights.

Mathews (1976): Required fair process.

Meyer v. Grant (1988): Protected democratic participation. HB 3075’s emergency clause (Section 24) bypasses Oregon’s referendum process (Article IV, Section 1(3)(b)) **without a clear crisis**, suggesting bad faith per Sengstacken (1911). **This subverts voter input, a due process concern under Meyer, particularly for the poor reliant on democratic checks against burdensome laws.**

IV. **Impact of HB 3075 on the Poor and Underprivileged**

Financial Burden of Fees:

HB 3075 imposes a \$150 initial permit fee and \$110 renewal fee every five years (ORS 166.505(3)(b), (7)(c)). For low-income individuals—e.g., those below Oregon’s poverty line (about 11.4% of residents, or 480,000 people, per 2023 Census estimates)—this represents a significant cost. Median household income in Oregon is ~\$76,000 (2023), but for the bottom 20% (\$25,000 or less), \$150 is roughly 0.6% of annual income, a disproportionate burden compared to wealthier households.

Training Costs and Accessibility: The bill requires a firearm safety course (ORS 166.505(8)), with in-person components (e.g., live firing demonstration). Costs vary—e.g., \$50-\$150 per course in Oregon—excluding travel and time off work. Rural poor (30% of Oregonians live rurally, 2020 Census) face

added barriers: fewer training facilities, longer travel (e.g., 40+ miles in Eastern Oregon), and limited public transit, amplifying expense and inconvenience for those without reliable transportation or flexible schedules.

Time and Process Delays: The permit process can take up to 60 days (ORS 166.505(3)(a)), requiring fingerprinting, photographing, and background checks (ORS 166.505(1)(e)-(f)). Underprivileged individuals—often working multiple low-wage jobs (e.g., 25% of Oregon’s poor work full-time, Oregon Center for Public Policy, 2023)—may struggle to take unpaid time for appointments, especially if denied (with only a 30-day appeal window, ORS 166.508(6)), further delaying access.

Disproportionate Impact: The poor and underprivileged (e.g., minorities, single parents) are more likely to live in high-crime areas where self-defense needs are acute (e.g., Portland’s low-income neighborhoods report higher violent crime, OPD 2023). HB 3075’s obstacles—fees, training, delays—could disproportionately deny them lawful firearm access, exacerbating vulnerability. SCOTUS’s *Murdock v. Pennsylvania* (1943) suggests fees taxing constitutional rights are suspect, especially for the indigent.

Rural vs. Urban Divide: Rural underprivileged face compounded challenges: fewer permit agents (county sheriffs or police chiefs, ORS 166.505(1)(a)) mean longer waits or travel. Urban poor may access agents more easily but still struggle with costs and time, widening inequity within the disadvantaged population.

V. Conclusion

HB 3075’s deficiencies (vagueness, funding, privacy) and conflicts (preemption, inconsistency) undermine its validity. It violates Oregon’s Article I, Sections 20 and 27, and Article IV, Section 28—its bad faith emergency clause lacking urgency (Sengstacken) illegally bypasses referendum. Federally, it infringes the Second (Bruen, Heller), Tenth (Printz), and Fourteenth Amendments (Mathews, *Murdock*, Meyer), disproportionately burdening the poor and underprivileged with fees, training, and delays (Yick Wo). California’s *Duncan* reinforces its vulnerability, suggesting judicial invalidation absent historical or urgent justification.

"The Second Amendment’s ‘shall not be infringed’ protects against obstacles to purchasing firearms lacking historical tradition. HB 3075’s permit, fee, and training requirements **create such obstacles, infringing on all citizens’ rights absent historical justification.**"

I am fully opposed,

/s/ Jennifer Gunter, 3/13/2025

Oregon Resident Wasco County