

Submitter: Luke Evens
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075

Testimony on the Unconstitutionality of Measure 114

To the Honorable Members of the Court,

I write to express my belief that Measure 114 is unconstitutional and infringes upon the fundamental rights guaranteed by both the Oregon and U.S. Constitutions. The measure, which seeks to impose restrictions on firearm ownership and usage, directly violates the Second Amendment of the U.S. Constitution, which ensures the right of the people to keep and bear arms.

1. Violation of the Second Amendment

The Second Amendment clearly states, “the right of the people to keep and bear Arms, shall not be infringed.” Measure 114, through its extensive and burdensome requirements, including strict background checks, firearm registration, and limitations on magazine capacities, places undue restrictions on law-abiding citizens who wish to exercise their constitutional right to own and possess firearms. While reasonable regulations may be permissible under the Second Amendment, Measure 114 imposes such excessive burdens that it effectively infringes on the right to keep and bear arms, as guaranteed by the Constitution.

2. Unclear and Overly Restrictive Provisions

The language of Measure 114 is ambiguous in its enforcement, particularly regarding the specifics of background checks and the issuance of firearm permits. The law grants excessive discretion to the authorities without clear guidelines, allowing for potential abuse and a lack of accountability. These vague provisions can lead to arbitrary and capricious decisions that deprive citizens of their rights without proper justification. A law that undermines individual liberties through excessive regulation and ambiguity cannot be considered constitutional.

3. Lack of a Compelling Government Interest

Even if Measure 114 were to be evaluated under a standard of intermediate scrutiny, the government has failed to demonstrate a compelling interest sufficient to justify the restrictions imposed. While public safety is a legitimate concern, the measure’s sweeping measures disproportionately impact lawful gun owners, without providing clear evidence that these restrictions will effectively address the issue of gun

violence. The infringement on personal liberties must be narrowly tailored to address a significant issue, and Measure 114 fails to meet this standard.

4. Burden on Law-Abiding Citizens

Measure 114 punishes responsible gun owners, who pose no threat to public safety, by imposing regulations that are difficult to comply with and financially burdensome. Citizens who lawfully own firearms are being unfairly penalized for the actions of criminals who already disregard existing laws. The right to keep and bear arms should not be contingent upon onerous and restrictive requirements that disproportionately impact those who follow the law.

Conclusion

In conclusion, Measure 114 constitutes an unconstitutional infringement on the rights of law-abiding citizens to own and bear arms as guaranteed by the Second Amendment. Its overreaching provisions, lack of clarity, and failure to serve a compelling government interest make it a measure that undermines the very freedoms our Constitution seeks to protect. I urge the Court to strike down this measure as unconstitutional and reaffirm the importance of safeguarding our fundamental rights.