

Submitter: Josh Kulla  
On Behalf Of:  
Committee: House Committee On Judiciary  
Measure, Appointment or Topic: HB3075

I would respectfully like to submit my opposition to HB 3075. To start with, the fact this bill is even being considered at a time when the judicial system has yet to render a final judgement on Measure 114, which HB 3075 would replace, is gravely disrespectful to the three legs of our democratic system. HB 3075 would repeal and replace Measure 114 with virtually identical legislation, and is intended to circumvent a judicial process that has, to date, not fully satisfied legislators.

Further, while the adoption of a "permit to purchase" system and restrictions on standard sized magazines for certain firearm would curtail and infringe rights protected by both our state and federal constitutions is bad enough, the fact that HB 3075 also contains a blatant ex post facto clause with regard to the magazine restriction should be a massive red flag for any legislators considering voting in favor. If you're not familiar with this concept, Article 1, Section 9, Clause 3, of the United States Constitution states "No Bill of Attainder or ex post facto Law shall be passed." What does this mean? Simply put, it means that you may not pass a law that reaches backward in time to declare conduct that was legal and permissible prior to the passage of the law to actually have been illegal prior to the passage of the new law.

HB 3075 - which has not yet in effect here in 2025 - would condemn as unlawful any possession of so-called "high capacity" magazines after Dec. 9, 2022. This despite the fact that Measure 114, upon which HB 3075 is based and which would have outlawed such magazines, never took effect because the judicial process was doing its work. During that time, and up until the present day, it remained legal for Oregon residents to purchase, possess, and lawfully use so-called "high capacity" magazines as they have done since the foundation of the State of Oregon.

Further, the limitation under HB 3075 requiring any and all future legal challenges to this measure to be filed only in one specified circuit court, is also a gross insult to the judicial process and to the citizens of Oregon. This unlawful clause also stands little to no hope of withstanding future legal challenge.

Additionally, HB 3075 stands in direct contravention of established case law at the federal level in the form of multiple US Supreme Court decisions, including *New York Rifle & Pistol Association v. Bruen*, *Heller v. District of Columbia*, *Caetano v. Massachusetts*, *McDonald v. City of Chicago* and more. There are numerous US Circuit Court cases addressing magazine bans that are currently working their way through the judicial process en route to the Supreme Court, where the current justices will almost certainly rule against such bans.

Finally, there is the simple fact that violent criminals already violate existing laws when they come into illegal possession of firearms. HB 3075, its permitting scheme and magazine ban, would all combine to do absolutely nothing to prevent these types of individuals from continuing to break the law. This legislation is instead aimed squarely at law abiding citizens who do not pose the slightest threat to anyone and by definition are the only people who would comply with any new laws surrounding firearms ownership and use.

I would urge legislators to instead focus on coming up with solutions to violent crime that will actually prevent these people from circulating in society, free to cause harm and grave injury to innocent people. Merely acting out a culture war impulse to restrict law abiding citizens' ability to protect themselves and their families will only cause greater harm to society. I urge you to reject this illogical, illegal, immoral and completely ineffective legislation.