

## **HB 3075: An Examination of Constitutional and Practical Concerns**

Dear House Committee On Judiciary,

As you deliberate on the implications of HB 3075, I urge you to consider several critical constitutional and practical issues that could significantly impact its effectiveness and fairness in the realm of firearm regulation.

### **Second Amendment and Historical Context**

HB 3075 presents potential conflicts with the Second Amendment of the U.S. Constitution, which states, "the right of the people to keep and bear Arms, shall not be infringed." The Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) requires that firearm regulations align with historical traditions. By extending permit issuance times and increasing application fees, HB 3075 may create undue barriers for law-abiding citizens, lacking the historical precedent needed to support such regulations under the current legal standard.

### **Transparency and Accountability**

The bill proposes to exempt permit application and background check information from public records, potentially conflicting with Oregon's Public Records Law (ORS 192.311 to 192.478), which emphasizes transparency in government operations. Public oversight is crucial for maintaining trust, and a lack of transparency could lead to perceptions of secrecy or mismanagement, undermining public confidence in the system's fairness and integrity.

### **Equal Protection and Access to Justice**

HB 3075 introduces exceptions to permit requirements that might lead to unequal application of the law, potentially violating the Equal Protection Clause of the Fourteenth Amendment. Furthermore, by restricting legal challenges to the Circuit Court for Marion County, the bill could limit access to justice and due process rights, protected under the Fifth and Fourteenth Amendments, by making it more difficult for citizens to contest perceived infringements on their constitutional rights.

### **Economic and Social Impact**

The increased fees and extended processing times could impose financial burdens on low-income Oregonians, limiting access to legal firearm ownership. This could be seen as a violation of the Second Amendment rights, especially for marginalized communities, by effectively suppressing their ability to exercise these rights due to financial constraints.

### **Impact on Individuals with Disabilities**

HB 3075 may disproportionately affect citizens with disabilities, potentially violating the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability

in all areas of public life. The changes could result in incriminatory practices that delay or deny immediate access to the permit process for individuals with disabilities, further marginalizing these citizens. Ensuring ADA compliance and accessibility is crucial to upholding the rights of all individuals and preventing discriminatory practices.

### **Bypassing Measure 114 and Criminal Accountability**

The bill appears to circumvent Measure 114, which is under judicial review, raising concerns about legislative respect for ongoing judicial proceedings. Additionally, HB 3075 lacks provisions targeting criminal behavior, focusing instead on regulating lawful gun ownership. Effective legislation should prioritize penalizing criminal actions to enhance public safety without infringing on the rights of law-abiding citizens.

### **Conclusion**

As you consider HB 3075, it is essential to ensure that any legislative measures align with constitutional principles and protect individual freedoms. The absence of provisions addressing criminal accountability, along with economic, social, and accessibility concerns, underscores the need for a thorough evaluation of the bill's implications. Rigorous scrutiny and public discourse are crucial to balancing safety with fundamental rights, and HB 3075 must be assessed through this lens to uphold constitutional integrity and ensure comprehensive solutions to gun violence.

Thank you for your attention to these critical issues.

Veteran, Concerned Citizen, Small Business Owner, Long Time Oregonian

Sincerely,

Todd Stone