

Regarding HB3075 introduced to the Oregon Legislature in 2025.

This proposal aims to restrict 2nd amendment rights in the State of Oregon. A very large number of Oregon gun owners will become criminals if HB3075 passes. And, this bill shows direct and intentional prejudice against some Oregonians and favoritism to others instead of attempting to minimize unintended impact.

The original “stated” intent of measure 114 was to “reduce gun violence”. However, none of the ten effective methods for reducing gun violence (according to the 2022 report from the Council on Criminal Justice) were part of the measure:

- Set a clear goal: commit to saving lives by stopping violence
- Identify the key people and places driving the violence
- Create a citywide plan for engaging key people and places
- Engage key people with empathy and accountability
- Address key locations using place-based policing and investment
- Place responsibility for violence reduction at the top
- Emphasize healing with trauma-informed approaches
- Invest in anti-violence workforce development
- Set aside funding for new stakeholders and strategies
- Commit to continuous improvement based on data, evidence, and peer-to-peer learning

Nowhere in these “ten essential actions” does it mention criminalizing citizens who own guns or restricting the 2nd amendment rights of law abiding citizens.

Instead of following successful measures used by other cities to reduce violence, including gun violence, this measure was crafted to prevent gun ownership by law abiding citizens while doing NOTHING to reduce gun ownership and possession by criminals intent on violence.

Now, given these observations and facts, here’s a brief idea of some of the problems with HB3075, the Bill to make “owning a gun illegal in Oregon.”

“Purchasing” has been broadened from measure 144. The process to apply for a “permit to purchase” a gun is changing to “permit to purchase or otherwise acquire a firearm”. This scope change was not voted on by Oregonians, and the scope change doesn’t constitute an “emergency” which has just become a tool to bypass voting on measures.

There is a double background check proposed in the bill. One by the Oregon State Police, one by the FBI. If one or both of these entities is not prepared to process applications, then Oregonians are prevented from ever acquiring a firearm. Period. The FBI has not indicated that

they were ready, willing, and able to perform the necessary checks that measure 114 proposed, therefore, our second amendment rights will be suspended in Oregon. Inability to comply with background checks and inability to get training by the police or sheriff was a problem under measure 114 and is still true clearly showing that the “intent” of HB3075 is to impede gun rights.

See Section 4 (E) for an arbitrary and illegal requirement that was present in measure 114. The police or sheriff is called the “permit agent” for the process of obtaining a permit. If, in the opinion of the “permit agent”, there is reason to believe that the applicant may be a danger to themselves, others, or the community, “as a result of the applicant’s mental or psychological state,” the permit may be denied. This judgement from the “permit agent” is not only subjective and arbitrary, but involves an inappropriate practice of medicine in the state. The “permit agent” must make a medical judgement of the applicant, without needing to be a doctor or being licensed in the state. If the permit agent, in their unqualified and sole opinion does not want to process the permit, this “failure” must be reported to all local, state, federal law enforcement and district attorneys with jurisdiction.

Each year the “Department” which means “State Police” must report the gender and race of all successful or unsuccessful applicants by county. The reporting of gender and race implies that the gun banners intend to intimidate classes of people who may already believe that the laws of Oregon are racist and class based. Increasing fees hurts lower income citizens disproportionately compared to more affluent citizens. The direct assault on rural Oregonians by requiring all actions against or involving HB3075’s modifications to measure 114 by filing suit in only in Marion County Circuit Court is clearly a classification-based harassment. The backers of the bill are saying “we intentionally want it to be more difficult for rural Oregonians than urbanites to be able to use the court system to keep their rights.”

Necessary firearms training courses described throughout the bill and measure 114 can be problematic because there is a burden of proof that the course met requirements at the time the course was taken. Besides making it impossible to purchase or obtain, the bill impacts concealed carry by changing class requirements to have covered “other safe practices related to safe storage, including reporting lost and stolen guns” as well as “including the impact of homicide and suicide on families, communities and the country as a whole”. How is that measured? And, there is no approval process or criteria in place for a law enforcement agency to “approve” an instructor that is necessary for the live fire part of the safety training. A knowledgeable drafter of rules would understand that NRA firearm safety instructors teach Law Enforcement firearm instructors, not the other way around.

There is no civil or criminal penalty allowed against the police or sheriff who denies an application, regardless of the reason. And, if arrested, an approved permit may be seized for up

to 30 days if the permit holder has NOT been charged with a crime. And the permit may be re-seized at the discretion of the police or sheriff. There should not be ambiguity in a law that impairs fundamental rights.

Due to drafting errors, it is easy to read that even prior to the bill taking effect, FFLs (gun dealers) must request a background check and verify that they purchaser has a permit to transfer a firearm on or after July 1, 2026. For transfers prior to July 1, 2026, the dealer must verify that the purchaser of a “firearm or unfinished frame or receiver” has a valid “permit to purchase”. This restriction shuts down any transfer immediately, as well as introducing new items that may not be transferred. The term “unfinished frame or receiver” is defined inadequately in ORS166.210 because it is a circular definition – an “unfinished frame or receiver” is anything, such as a raw casting of metal that may be turned into a “frame or receiver”. The definition is also overly broad since any piece of metal or plastic that could be turned into a frame or receiver is subject to the “permit to transfer” process. The federal definition of “Unfinished frame or receiver” is more precise. See federal statute 27 CFR 478.12.

The modification of ORS 116.412 creates an indefinitely long gun registration database with no restrictions on usage of the data or security of the data. Gun owners may be targets of thieves when the database is breached and the address of owners and types of guns are made available to criminals. It only takes one person acting like Edward Snowden or simply clicking on the wrong link to breach security.

Respectfully submitted,

Scott Rider

Disclaimer: Although I am a member of the Oregon Bar, this document is not intended to be legal advice, this document does not form an attorney-client relationship, and this document is not subject to attorney-client privilege.