

Submitter: Sara Hitchcock
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075

Oregon HB3075 represents a direct assault on the fundamental right guaranteed by the Second Amendment of the United States Constitution, which unequivocally states, "the right of the people to keep and bear Arms, shall not be infringed." The language of this amendment is clear and unambiguous: our right to own and possess firearms is not open to negotiation. HB3075 seeks to undermine this right by imposing additional burdens on responsible law-abiding citizens, including increasing fees, extending processing times, and creating unnecessary barriers to firearm transfers. These measures are in clear violation of the constitutional protections afforded to every American.

The legal framework supporting this position is found in critical case law, which consistently affirms the right to keep and bear arms. In *Nguyen v. Bonta* (9th Cir. 2023), the Ninth Circuit Court ruled that California's restrictive gun laws, particularly those related to the ability to purchase and carry firearms, infringed upon the constitutional right to bear arms. The court recognized that any government regulation on firearms must not violate the individual's right to self-defense and ownership, thus reinforcing that Second Amendment rights cannot be restricted through arbitrary regulations that create unnecessary barriers for lawful gun ownership.

Similarly, *Maryland Shall Issue v. Moore* (4th Cir. 2021) further cemented the notion that excessive restrictions on firearm licensing are unconstitutional. In this case, the Fourth Circuit Court ruled that Maryland's restrictive concealed carry laws, which included burdensome requirements for obtaining a carry permit, violated the Second Amendment. The court held that such laws disproportionately hinder the ability of law-abiding citizens to exercise their fundamental right to self-defense, affirming that regulations must not impose an undue burden on an individual's ability to bear arms.

In light of these rulings, it is clear that Oregon HB3075 is unconstitutional. The bill's provisions, which include extended processing times, increased fees, and additional hurdles for firearm transfers, are a modern attempt to infringe upon the Second Amendment right. These measures mirror the very type of regulations that courts have consistently found to be unconstitutional in cases like *Nguyen v. Bonta* and *Maryland Shall Issue v. Moore*. By placing undue burdens on citizens seeking to exercise their right to bear arms, this bill runs afoul of settled case law, which affirms that such restrictions must be narrowly tailored and cannot infringe upon the core right to self-defense.

Furthermore, the bill's provision requiring legal challenges to be filed in Marion County Circuit Court is an attempt to limit access to justice and discourage individuals from challenging unconstitutional laws. This is contrary to the principles of due process, which ensure that all citizens have the right to challenge laws that infringe upon their rights.

In conclusion, Oregon HB3075 violates the Second Amendment and is inconsistent with established case law. I call on lawmakers to reject this unconstitutional bill and uphold the rights of responsible law-abiding citizens. The courts have spoken clearly in *Nguyen v. Bonta* and *Maryland Shall Issue v. Moore*, and it is time for Oregon to respect and protect the constitutional rights of its citizens. The Second Amendment is not negotiable, and it is our duty to ensure that it is upheld for all Americans.