

Submitter: David Silva

On Behalf Of:

Committee: House Committee On Judiciary

Measure, Appointment or Topic: HB3075

The following concerns surround HB 3075: 1. Second Amendment Violation: The bill's regulations, including extended waiting periods, heightened fees, and discretionary permitting, lack clear historical analogs and unduly burden the right to keep and bear arms, likely failing the Bruen test. 2. Ex Post Facto Clause: HB 3075 retroactively criminalizes possession of large-capacity magazines legally purchased prior to its enactment, violating federal and state constitutional prohibitions on ex post facto laws. 3. Due Process Concerns: The vague standard for permit denial grants excessive discretion to law enforcement, risking arbitrary or discriminatory enforcement and lacking clear guidelines and fair processes. 4. Equal Protection Issues: The bill's increased fees and discretionary permitting may disproportionately impact lower-income and minority individuals, potentially violating the Fourteenth Amendment's Equal Protection Clause