Submitter:	Jeffrey Clyde
On Behalf Of:	
Committee:	House Committee On Judiciary
Measure, Appointment or Topic:	HB3075

I oppose Measure 114 in Oregon because it violates our constitutional rights to bear arms. I'm concerned that it introduces a permit system that gives too much discretionary power to the police, which could lead to biased decisions on who can own guns. It also fails to address the root causes of gun violence effectively and could disproportionately limit access to firearms for minority groups.

Here is a quick summary of the problems:

Constitutional Issues:

1. **Second Amendment Violation**: The U.S. Supreme Court’s ruling in *New York State Rifle & Pistol Association v. Bruen* (2022) established that firearm regulations must be consistent with the nation’s historical tradition of firearm regulation. HB 3075’s extended waiting periods, heightened fees, and discretionary permitting process—allowing law enforcement to deny permits based on subjective judgments of “dangerousness”—lack clear historical analogs. These restrictions unduly burden the right to keep and bear arms for law-abiding citizens, likely failing the *Bruen* test.

2. **Ex Post Facto Clause**: The bill retroactively criminalizes possession of large-capacity magazines legally purchased prior to its enactment. This violates Article I, Section 10 of the U.S. Constitution and Article I, Section 21 of the Oregon Constitution, both of which prohibit ex post facto laws—laws that punish actions lawful when committed. Courts have consistently struck down similar retroactive firearm restrictions.

3. **Due Process Concerns**: The vague standard for permit denial (“likely to be a danger”) grants excessive discretion to law enforcement, risking arbitrary or discriminatory enforcement. The Fifth and Fourteenth Amendments require clear guidelines and fair processes, which HB 3075 lacks, making it susceptible to a due process challenge.

4. **Equal Protection Issues**: Critics argue the bill disproportionately impacts lower-income and minority individuals due to increased fees and discretionary permitting, which historically have been applied unevenly across demographics. This could violate the Fourteenth Amendment’s Equal Protection Clause if shown to result in systemic bias.

Thank you for not passing this heinous violation of Oregonian's rights.