

Opposition Testimony - Kendall James Berry - HB 3075 Opposition - Written Testimony

Please disregard the previous submission in support of HB 3075.

My proper stance is in opposition to this Bill in its entirety. See the following:

Dear Members of the House Judiciary Committee, I am writing to express my opposition to House Bill 3075, which modifies the firearm permit provisions of Ballot Measure 114 (2022). While I recognize the goal of improving public safety, I believe this bill places undue burdens on law-abiding citizens, erodes constitutional protections, and misses the mark on addressing gun violence effectively. First, HB3075 extends the permit issuance timeline from 30 to 60 days and raises application fees. These changes disproportionately impact rural Oregonians with limited access to permit agents and low-income individuals who may find the increased costs a barrier to exercising their Second Amendment rights. Law-abiding citizens should not face additional obstacles to their constitutional freedoms. Additionally, I am deeply concerned about the magazine capacity restrictions upheld through Ballot Measure 114 and reinforced by HB 3075. Limiting magazines to 10 rounds undermines self-defense capabilities for law-abiding gun owners, particularly in rural areas where law enforcement response times can be delayed. Standard-capacity magazines—often exceeding 10 rounds—are commonly used for lawful purposes, and there's little evidence that such restrictions reduce crime, as criminals routinely ignore these laws. Furthermore, the bill's expansion of permit requirements and exemptions—delaying full implementation until 2026 or 2028 for certain transfers—creates a confusing patchwork of rules. This risks inconsistent enforcement and could penalize responsible gun owners for unintentional violations. Clear, fair, and consistent laws would better serve Oregonians. Finally, HB 3075 focuses on restricting legal firearm ownership rather than tackling illegal gun use or investing in mental health and community safety programs. Most gun violence stems from socioeconomic factors and illicit firearms, not permitted owners. I urge the committee to prioritize solutions that address these root causes. I support reasonable safety measures, but HB3075 oversteps by punishing the responsible instead of protecting the public. I respectfully ask you to vote no and explore alternatives that respect both rights and safety. I sincerely thank you for your consideration.

Also consider the following:

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.

Please submit this as my testimony as opposition of HB 3075 & Measure 114.

– Kendall James Berry 03/16/2025