

Submitter: Robert Jones  
On Behalf Of: Oregon Residence  
Committee: House Committee On Judiciary  
Measure, Appointment or Topic: HB3075

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

If the state attempts to convert a right into a privilege, license it, and charge a fee, the citizen can ignore the license and fee and engage in the right with impunity, according to the principles established in *Murdock v. Pennsylvania* and *Shuttlesworth v. City of Birmingham*.

Here's a more detailed explanation:

The "Right vs. Privilege" Distinction:

A right is a fundamental entitlement guaranteed by law or constitution, such as freedom of speech or the right to vote. A privilege, on the other hand, is something that can be granted or revoked by the state, like a driver's license.

The Principle of Non-Conversion:

The principle at play here is that the state cannot convert a fundamental right into a privilege, license it, and then charge a fee for it.

Case Law Support:

*Murdock v. Pennsylvania* (319 U.S. 105): This case established that "No state shall convert a liberty into a privilege, license it, and attach a fee to it".

*Shuttlesworth v. City of Birmingham* (373 U.S. 262): This case reinforced the principle that if the state converts a right into a privilege, the citizen can engage in the right with impunity, ignoring the license and fee.

Implications:

If the state attempts to convert a right into a privilege, the citizen is not obligated to obtain a license or pay a fee to exercise that right, and they can engage in the right without penalty.