

March 17, 2025

House Committee On Judiciary  
State of Oregon

Re: Opposition Testimony to House Bill 3075

Honorable Members,

I strongly oppose House Bill 3075 (herein, “HB3075” or the “Bill”) and Ballot Measure 114 (herein, “BM114” or the “Measure”), and I urge the Committee to see reason and oppose a motion to move it to a floor vote. This Bill, simply put, is Representative Kropf’s means to force the effects of the Measure into law via the legislature.

Objectively, the Bill and the Measure are the same. Both the Bill and the Measure contain mandates of:

- (i) A permit-to-purchase scheme – the requirement a citizen obtain an additional background check and pay a fee to the government to exercise a constitutionally-protected right – issued on subjective and arbitrary basis via the whims of the Oregon Department of State Police; and,
- (ii) A firearm magazine capacity limitation bearing no actual evidence of reduction of violent crime<sup>1</sup>, among other regulation.

BM114 was immediately challenged in Federal and State courts after passage in 2022 citing violations of the Second Amendment to the United States Constitution<sup>23</sup> as well as violations of Article 1, Section 27 of the Oregon Constitution<sup>4</sup>. Additionally, the United States Supreme Court took up the material effect of BM114 in a challenge to a similar law passed by the State of New York in *New York State Rifle & Pistol Assc., Inc. v. Bruen*<sup>5</sup>. While U.S. District

---

<sup>1</sup> Christopher S. Koper & Jeffery A. Roth, The Impact of the Federal Assault Weapon Ban on Gun Violence Outcomes: An Assessment of Multiple Outcome Measures and Some Lessons for Policy Evaluation, 17 J. Quant. Crim. 33 (2001).

<sup>2</sup> [U.S. News, "Sheriff, Group Sue to Block Strict Oregon Gun Control Law," November 20, 2022](#)

<sup>3</sup> [Oregon Live, "Oregon's gun control Measure 114 subject of emergency motion filed in federal court," November 26, 2022](#)

<sup>4</sup> [Breitbart, "Circuit Judge Issues Restraining Order Against Oregon's Ballot Measure 114," December 6, 2022](#)

<sup>5</sup> [New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 U. S. 1 \(2022\)](#)

Judge Karin Immergut of the U.S. District Court for the District of Oregon ruled that “Plaintiffs have failed to demonstrate that they will suffer immediate and irreparable harm if this Court does not block Measure 114 from taking effect on December 8, 2022,” Harney County Circuit Court Judge Robert Raschio issued a ruling blocking the entire law from taking effect<sup>6</sup>.

While Judge Raschio’s ruling was just overturned on appeal to Oregon Court of Appeals<sup>7</sup>, procedural law requires time be allotted to challengers for pursuit of further appellate action. Challengers have stated their intent to appeal to the Oregon Supreme Court<sup>8</sup>.

It makes no sense to railroad the same effects of BM114 through the legislature while the challenge to the Measure is still in legal debate. Should the Bill pass through this Committee and pass full vote in the legislature, it would immediately be challenged the same as the Measure. This Bill is a clear waste of taxpayer money.

*Article 1, Section 27* states “The people shall have the right to bear arms for the defence [sic] of themselves.” I see no qualifier language in this clause that states “after asking the government for permission.”

*Bruen* states in the Opinion of the Court, in part, “[the] proper-cause requirement violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms.” The Bill and the Measure perpetrate the same violations as struck down in *Bruen*.

My opinion is clear on this matter. No citizen of Oregon of the United States is required to pay a fee and ask the government for permission to speak freely, worship, avoid illegal search or arrest, face their accuser, have a fair trial or otherwise. Both the Bill and the Measure are clear violations of the People’s right to keep and bear arms. This Committee should oppose this Bill.

Respectfully submitted,



Mason McKinney

---

<sup>6</sup> [Oregon Public Broadcasting, "Federal judge says Oregon gun measure can go forward; state judge says it cannot," December 6, 2022](#)

<sup>7</sup> [OPB, "Oregon Court of Appeals says voter-approved firearms measure is constitutional," accessed March 13, 2025](#)

<sup>8</sup> [Tony L. Aiello, Jr. – Civil Attorney. My quote to media here. March 12, 2025. Facebook.](#)