

Submitter: Nicole Kalk
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3075

I am writing to express my strong opposition to House Bill 3075, which seeks to modify the firearm permit provisions of Ballot Measure 114 (2022). This bill, if enacted, would infringe upon the constitutional rights of Oregon citizens under both the United States Constitution and the Oregon Constitution.

1. Second Amendment Concerns:

HB 3075 imposes undue burdens on the right to bear arms as protected by the Second Amendment of the U.S. Constitution. The bill's requirements for obtaining a permit to purchase a firearm, including completion of a firearms safety course and passing a criminal background check, create significant obstacles to exercising a fundamental right. These requirements go beyond reasonable regulation and effectively create a licensing scheme for a constitutional right.

2. Oregon Constitution Article I, Section 27:

The Oregon Constitution provides even stronger protections for the right to bear arms. Article I, Section 27 states, "The people shall have the right to bear arms for the defense of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[." HB 3075's restrictions, particularly the permit requirement and magazine capacity limits, unduly frustrate the right to armed self-defense guaranteed by this provision.

3. Procedural Concerns:

The bill's provision that "a challenge to legality of the Act must be commenced in the Circuit Court for Marion County" raises serious concerns about access to justice and forum shopping. This requirement may unfairly burden citizens from other parts of the state who wish to challenge the law.

4. Emergency Clause:

The inclusion of an emergency clause, making the act effective upon passage, circumvents the normal process and denies citizens the opportunity to challenge the law. This is particularly concerning given the contentious nature of the legislation and its impact on constitutional rights.

5. Arbitrary Magazine Capacity Limits:

The bill's ban on magazines capable of holding more than 10 rounds is arbitrary and lacks a clear empirical basis for improving public safety. This restriction infringes on the rights of law-abiding citizens.

6. Undue Financial Burden:

The increase in maximum fees for initial applications and renewals of permits creates a financial barrier to exercising a constitutional right. This disproportionately affects lower-income individuals, effectively creating a class-based restriction on the right to bear arms.

HB 3075 represents an unconstitutional overreach that infringes upon the rights of law-abiding Oregon citizens. The bill fails to strike a proper balance between public safety concerns and the constitutional right to bear arms. I urge you to reject this bill!