

**Dear Chair and Members of the Committee:**

Thank you for the opportunity to submit testimony. My name is Drayson Helberg, an Oregon resident and law-abiding gun owner, and I am writing to express my **strong opposition** to Ballot Measure 114 (2022) and House Bill 3075. I am deeply concerned that these measures, though perhaps well-intended, will **unfairly burden responsible citizens** like myself, **impede our ability to defend ourselves**, and **violate fundamental rights** without improving public safety. Below, I outline personal, constitutional, and public safety concerns regarding Measure 114 and HB 3075, and urge you to reject these proposals in favor of more effective, rights-respecting solutions.

## **Personal Impact on Law-Abiding Gun Owners**

As a responsible gun owner, I value the ability to protect myself and my family. Measures 114 and HB 3075 would impose numerous hurdles on people who have done nothing wrong, **treating the exercise of a constitutional right as a privilege laden with red tape**. Measure 114, narrowly approved by voters, is one of the strictest gun laws in the nation – it **requires every firearm purchaser to first obtain a permit (including passing a background check and safety class) and bans magazines holding over 10 rounds**

[whec.com](http://whec.com)

. House Bill 3075, introduced this session to modify Measure 114's provisions, actually makes these burdens even heavier for ordinary citizens. For example, HB 3075 would **double the permit processing time from 30 days to 60 days and raise the permit fee from \$65 to \$150**, while also mandating proof of safety training

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. These added delays and costs directly harm law-abiding Oregonians:

- **Delayed Self-Defense:** Requiring a permit before purchasing a firearm means someone facing a credible threat must wait weeks or months for bureaucratic approval. A single mother or elderly citizen under threat cannot afford to wait 60+ days to buy a means of protection, especially when every day unarmed could be deadly. Tragically, we have seen what can happen when a person in danger is forced to wait: in 2015 a New Jersey woman named Carol Bowne did everything she could to protect herself – obtaining a restraining order, installing security cameras, and applying for a handgun permit – yet **she was stabbed to death by her violent ex-boyfriend while still waiting over a month for her gun permit to be approved**

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. Bureaucratic delays cost Carol Bowne her life; we must not create a similar situation in Oregon by imposing lengthy permit requirements on those in immediate need of self-defense.

- **Excessive Costs and Barriers:** The proposed \$150 permit fee (more than double the current \$65) plus the cost of mandatory classes will price out many low-income and vulnerable Oregonians  
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 . A fundamental right that is too expensive to exercise is no right at all. Wealthy individuals might afford fees and time off for training, but a working single parent in a high-crime neighborhood may not – effectively **disarming our most vulnerable citizens**. This disproportionate impact is unconscionable. The law should not make the Second Amendment a right only for those with extra money and time.
- **Inadequate Infrastructure:** Both Measure 114 and HB 3075 assume a permitting and training infrastructure that does not fully exist. HB 3075 would require applicants to complete a safety training course taught by law-enforcement-certified instructors, yet **provides no additional funding or resources to ensure these courses are available**  
[oregoncitizenslobby.org](http://oregoncitizenslobby.org)  
 . Oregon State Police and local agencies are already stretched thin processing background checks and permits; adding more workload (and doubling the timeframe) without support will likely create an enormous backlog. Law-abiding buyers could wait indefinitely for required classes or permits through no fault of their own. It is simply unfair to **punish responsible citizens with requirements that the state is unprepared to deliver**.

In sum, these measures would make it **harder for decent people to protect themselves** and their families. They turn common, law-abiding behavior into a maze of fees, paperwork, and waiting periods – treating gun owners as if we are guilty until proven innocent. I urge you to consider the real human impact: Oregonians who follow the law will be left defenseless or criminalized for honest mistakes, while violent criminals (who do not bother with permits or magazine limits) will be unaffected.

## Constitutional and Legal Concerns

Beyond the personal burdens, Measure 114 and HB 3075 raise serious **constitutional issues**. The right to keep and bear arms is enshrined in both the U.S. Constitution and the Oregon Constitution as a core civil right. **Measure 114 and HB 3075 violate these protections in multiple ways:**

- **Second Amendment Infringement:** The U.S. Supreme Court has made clear that the Second Amendment is not a second-class right. In the landmark case *New York State Rifle & Pistol Association v. Bruen* (2022), the Court affirmed “*the constitutional right to bear arms in public for self-defense is not a second-class right*” and that no other constitutional right requires citizens to prove a special need to exercise it  
[supremecourt.gov](http://supremecourt.gov)  
 . Yet Measure 114’s permit-to-purchase scheme does exactly that – forcing citizens to

obtain government permission (and jump through numerous hoops) before they can exercise their right to acquire a firearm. This is a **prior restraint on a fundamental right**, akin to requiring a license and background check before one can publish a newspaper or attend church. Such a system flips the Constitution on its head. Similarly, banning standard magazines over 10 rounds (which are commonly owned by millions for lawful purposes) runs afoul of the Second Amendment by prohibiting arms in common use. The **U.S. Supreme Court's Heller decision** (2008) protected firearms "in common use" for lawful purposes, and magazines are an integral part of those firearms. Many handguns and rifles are designed with standard magazines exceeding 10 rounds, so this law would outlaw ordinary hardware that ordinary people depend on for self-defense. Restricting law-abiding citizens to less effective means of defense (while criminals will ignore the limit) undermines the core right to self-defense.

- **Oregon Constitutional Rights:** Article I, Section 27 of the Oregon Constitution explicitly guarantees that "*The people shall have the right to bear arms for the defence of themselves, and the State.*"

[codes.findlaw.com](http://codes.findlaw.com)

This strong language underscores that personal self-defense is a fundamental right in Oregon's own Bill of Rights. Measure 114/HB 3075 directly impinge on this right. By making citizens obtain a permit (which can be denied or delayed) before exercising the right, the state would be conditioning and chilling a right that our constitution says the people **shall have**. The Oregon Court of Appeals may have upheld Measure 114 for now, but many of us firmly believe this law contradicts the intent of our state's founders and the plain meaning of Section 27. At a minimum, these measures invite protracted legal battles and uncertainty, rather than respecting the clear constitutional command that Oregonians have the right to bear arms in defense of themselves.

- **Due Process and Legal Precedent:** House Bill 3075 contains an especially troubling provision: it **mandates that any legal challenge to the law be filed only in the Circuit Court for Marion County**

[olis.oregonlegislature.gov](http://olis.oregonlegislature.gov)

. This attempt to hand-pick the venue for lawsuits is a **dangerous precedent**. It appears to be a blatant effort to **stack the deck in favor of the law** by limiting challenges to a single jurisdiction (Salem/Marion County) that the bill's drafters presumably view as favorable. Such forum-shopping by statute undermines the integrity of our judicial system. Normally, plaintiffs can file suit in their local county court or in any proper venue; HB 3075 would strip Oregonians of that usual right and force all cases into one court, insulating the law from impartial review elsewhere. This raises **due process and separation of powers concerns**, as the legislature would be overreaching into the judiciary's domain. Every Oregonian, from Harney County to Jackson County, deserves equal access to justice and a fair hearing on constitutional rights – not a pre-rigged process. Additionally, HB 3075 declares an "emergency" so that it would take effect immediately, **bypassing the normal 90-day waiting period and the possibility of a voter referendum**

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. Using an emergency clause in this context – when there is no sudden crisis requiring immediate enactment – is an abuse of process meant to avert citizen oversight. It signals that the legislature seeks to **avoid public input and fast-track these restrictions** without the possibility of voters referring them for repeal. These tactical maneuvers (limiting court jurisdiction and blocking referendums) set a **dangerous legal precedent** where legislators manipulate procedural rules to shield potentially unconstitutional laws from review and rollback. Such actions erode public trust and offend basic principles of due process, which demand fairness and accountability in lawmaking.

In summary, Measure 114 and HB 3075 raise grave constitutional flags. They infringe on the Second Amendment as illuminated by recent Supreme Court rulings, defy the Oregon Constitution's protection of self-defense, and attempt to rig the legal playing field in favor of the state. Passing laws that **violate constitutional rights** will not only trigger lengthy court fights (at significant taxpayer expense), but it also **sets the wrong example** – that Oregon is willing to sacrifice civil liberties in a misguided pursuit of security. I urge you not to place our state in that position.

## Policy and Public Safety Considerations

At the end of the day, we all share the goal of reducing violent crime and enhancing public safety. However, **Measure 114 and HB 3075 will not achieve those goals** – and could indeed make things worse. Lawmakers should carefully consider the evidence (or lack thereof) that these types of restrictions actually prevent crime. Simply put, **gun control measures that burden the law-abiding do not stop criminals:**

- **Criminals Do Not Follow Gun Laws:** By definition, criminals and violent actors are not deterred by permit requirements, magazine bans, or other legal restrictions. Numerous studies and law enforcement accounts show that those intent on crime obtain guns through illicit means. According to a U.S. Department of Justice survey, **over half (56%) of prisoners who possessed a gun during their offense obtained it via theft, the black market, or other illicit street sources** – fewer than 1% got firearms at a gun show or through any avenue requiring paperwork

[nssf.org](http://nssf.org)

. In other words, the vast majority of guns used in crimes are acquired outside of lawful channels, rendering purchase permits and background checks on sales largely irrelevant for stopping criminals. Even a high-ranking law enforcement officer recently underscored this point: testifying against a similar proposal in Colorado, **El Paso County Sheriff Joe Roybal stated that such laws “effectively target law-abiding gun owners rather than criminals, who, by definition, do not follow the law and will obtain a firearm through illegal channels.”**

[thetruthaboutguns.com](http://thetruthaboutguns.com)

This insight is crucial. Measures 114 and HB 3075 would create massive hurdles for

honest citizens, while *criminals will simply ignore them*. A gang member or mass shooter will not scruple over magazine capacity limits or bother getting a permit – those restrictions only ensnare those who try to comply with the law.

- **No Credible Reduction in Crime:** Experience from other jurisdictions suggests that strict gun licensing and magazine bans have **not produced a measurable drop in violent crime**. Proponents have not provided compelling data that Oregon's permit-to-purchase or magazine limit will stop criminals from committing acts of violence. In fact, during informational hearings on these bills, there was a notable lack of factual evidence presented linking these restrictions to reductions in crime [oregoncitizenslobby.org](http://oregoncitizenslobby.org)

. While intuitive-sounding, these policies are not proven solutions. For example, states like New York and New Jersey have long had strict gun permit regimes and magazine capacity limits, yet they still suffer from firearm-related crime and have seen high-profile violent incidents. Conversely, many states without such purchase permits have experienced declining crime rates, undermining the claim that permits are a magic solution. The reality is that violent crime is driven by complex social, economic, and cultural factors – **simply adding bureaucratic gun laws on responsible owners does not address the root causes** of violence. As lawmakers, you must ask: *if criminals won't obey these laws and no clear evidence shows these laws reduce crime, why would we enact them?* We should focus on strategies that actually incapacitate and deter criminals (such as vigorous prosecution of violent offenders, gang intervention programs, and improved mental health services) rather than symbolic restrictions that miss the mark.

- **Disarming the Vulnerable:** Far from making the public safer, these laws could **endanger vulnerable populations** by disarming or delaying them from obtaining protection. Many Oregonians rely on firearms as the great equalizer in the face of crime – especially those who are physically weaker or who live in high-crime areas. Women, for instance, have become one of the fastest-growing groups of gun owners because a firearm can allow a woman to stop a larger, stronger attacker. For someone facing domestic abuse or stalking, the ability to quickly purchase a gun for self-defense can be lifesaving. By imposing lengthy wait times and onerous permit processes, we are **leaving these individuals at the mercy of violent predators**. The case of Carol Bowne, mentioned earlier, is a heartbreaking example of a woman who sought a handgun to defend herself and was killed while stuck in a permit waiting period [fox17.com](http://fox17.com)

. We must not create more Carol Bowne situations by replicating such delays here. Additionally, the cost and complexity of compliance will hit hardest for minorities and low-income residents in rough neighborhoods – the very communities that often face higher rates of crime. It is a bitter irony that in the name of “safety,” these laws would **deny the most vulnerable Oregonians the tools to protect themselves**, whereas affluent citizens or those with political connections might navigate the system more easily (or hire armed security). Public safety should include *everyone's* safety – including

the single mother in Portland who can't wait months for a permit while her violent ex roams free, or the elderly rural homeowner who can't travel hours to find an authorized training class. We should empower good people to defend themselves, not hinder them.

In light of these points, it becomes clear that Measure 114 and HB 3075 are **policy mistakes**. They rest on the false premise that restricting firearm access for the law-abiding will somehow thwart criminals. In truth, these measures **will not stop violent crime or mass shootings** (as those determined to do evil will find other means or obtain guns unlawfully), and they may even increase victimization by preventing would-be victims from arming themselves in time. Oregon deserves better solutions to address gun violence – solutions that target the *criminals* and *root causes* of violence, rather than casting a wide net over constitutional rights.

## Conclusion and Call to Action

**I urge you, as legislators, to do the right thing: reject Measure 114's misguided restrictions and vote NO on HB 3075.** Oregonians expect and deserve public safety measures that **respect our constitutional rights and actually tackle crime**. These proposals fail on both counts. They would infringe on the Second Amendment and Oregon's own constitutional protections, burden honest citizens, and yield little to no public safety benefit. In fact, they risk making our communities less safe by disarming or delaying the very people who might need a defensive firearm the most.

Instead of implementing laws that punish the law-abiding, I encourage you to pursue **policies that directly address criminals and violence** without scapegoating gun owners. This could include: funding community violence prevention and mental health programs, ensuring vigorous enforcement of existing laws against armed felons, improving the background check system's data completeness, and targeting the actual sources of crime guns (straw purchasers, traffickers and thieves)

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. Such approaches would be far more effective in reducing gun violence than creating new bureaucracies to harass citizens exercising a constitutional right.

In closing, I respectfully remind the committee that **our rights and safety go hand in hand**. Law-abiding Oregonians like myself greatly value both. We stand ready to work with you on sensible solutions that **protect the innocent without empowering the wicked**. Measure 114 and HB 3075 do the opposite: they tie the hands of the innocent and leave the wicked untouched. Please do not let these ill-conceived measures move forward. Uphold your oath to the Constitution and prioritize real public safety by **opposing Measure 114 and HB 3075**.

Thank you for considering my testimony. I trust you will make the prudent and just decision to **defend our rights and reject these ineffective and unconstitutional measures**. Oregon can

be made safer through strategies that unite us rather than divide us, and I urge you to focus on those better paths.

**Sincerely,**

Drayson Helberg

Concerned Oregon Resident and Voter