

Re: Opposition to House Bill 3075 (HB3075) from the 83rd Oregon Legislative Assembly

Below is a structured rebuttal outlining key legal, historical, and practical objections to HB3075's restrictions on firearm ownership and the permitting process. This rebuttal incorporates landmark Supreme Court rulings, historical Second Amendment context, modern data on firearm ownership, and public safety considerations.

I. Constitutional and Legal Framework

1. Bruen and Rahimi Precedents

- In *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022), the Supreme Court clarified that laws restricting firearms must align with the text and history of the Second Amendment. Contemporary regulations that lack a clear historical analogue risk being unconstitutional.
- In *United States v. Rahimi* (2024), data indicated that approximately 33 million people own handguns with magazines larger than 10 rounds, and about 25 million individuals own modern sporting rifles. This underscores how common such firearms and magazines are, making them fall under the *Bruen* framework's "in common use" standard.

2. Historical Context from the Founding Era

- At the time of the Second Amendment's ratification (1791), there was no distinction between the firearms used by civilians and those used by soldiers. Muskets, rifles, and pistols in civilian hands were functionally identical to those carried by the military.
- The Founders recognized an armed citizenry as an essential check against tyranny, deliberately ensuring the citizenry had access to the same type of arms as the military.
- *District of Columbia v. Heller* (2008) reaffirmed that the Second Amendment protects an individual right, not confined to militia service. This aligns with the Founders' original intent that citizens be comparably armed to resist potential government overreach.

3. Militia and Deterrence Purpose

- HB3075, by tightly regulating access to firearms and prohibiting or restricting magazines above 10 rounds, effectively limits civilian ownership of arms the Founders intended the people to possess.
- If the government monopolizes access to "military-grade" arms (or those widely used by the military and law enforcement), the people's ability to deter or resist a tyrannical government weakens.

- *Bruen* reaffirmed that firearm regulations must be justified by historical analogy. There is no clear historical precedent in the Founding era that banned or severely restricted so-called “military-grade” arms from civilian ownership.
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II. Practical Concerns and Public Safety

1. Self-Defense Against Multiple Assailants

- In real-world situations—such as home invasions, gang activity, or civil unrest—individuals may face multiple attackers or rapidly escalating threats. A standard-capacity (15- to 30-round) magazine allows for effective defense without pausing to reload.
- During the over 100 nights of protests and sometimes violent unrest in Portland after the summer of 2020, some businesses and neighborhoods were left vulnerable due to stretched police resources. Longer response times mean individuals may need sufficient ammunition for self-defense.

2. Criminal Activity and Gang Violence

- Oregon law enforcement has reported the presence of street gangs and transnational criminal organizations along the I-5 corridor. These groups may possess illegal firearms, placing law-abiding citizens at a disadvantage if restricted to small magazines.
- Restricting magazine capacity or imposing a lengthy, complicated permit process does not deter criminal use but burdens individuals seeking lawful protection.

3. Homelessness and Public Safety Concerns

- Oregon’s high homelessness rate—about 14,600 individuals per HUD’s 2022 Point-in-Time Count—sometimes correlates with drug abuse (methamphetamine, fentanyl) in certain encampments. While most homeless individuals are not violent, some have exhibited aggressive or erratic behavior under the influence of drugs.
- In these rare but dangerous scenarios, quick and sufficient defensive capability can be crucial. Limiting magazine capacity or imposing cumbersome permit requirements could hinder timely self-defense.

4. Reduced Police Funding and Slower Response Times

- Portland’s City Council cut millions from the police budget in mid-2020, leading to reduced specialized units, lower morale, and hiring challenges. Even with some funding restored, the Portland Police Bureau reports hundreds of vacancies, resulting in slower response to urgent calls.

- Citizens in areas with understaffed law enforcement may wait critical minutes before police arrive. Having adequate defensive armament—both in capacity and accessibility—can mean the difference between life and death when confronting immediate threats.

5. The Tragic Case of Carol Bowne

- The murder of Carol Bowne exemplifies how waiting periods and permit delays can prove fatal. Ms. Bowne was killed by her ex-boyfriend while waiting for her firearms permit, despite having a restraining order and a security system.
 - Complex processes and permit backlogs—like those proposed in HB3075—can create dangerous gaps for potential victims who need swift access to self-defense tools.
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III. Specific Objections to HB3075 Provisions

1. Extended Waiting Periods and Higher Fees

- HB3075 extends the permit issuance timeline to 60 days and increases application/renewal fees to \$150 and \$110, respectively. This imposes undue financial and administrative burdens on lower-income citizens seeking lawful firearm ownership.
- Delays in permit processing risk leaving vulnerable individuals (like domestic abuse survivors) defenseless at the most critical time.

2. Magazine Capacity Restrictions

- The Bill maintains or reinforces large-capacity magazine bans, conflicting with the widespread ownership of magazines over 10 rounds, as documented in *Rahimi*. These are “common use” items.
- Under *Heller* and *Bruen*, commonly used firearms and accessories enjoy constitutional protection. Restricting them without historical precedent or compelling evidence undermines the Second Amendment.

3. Historical Analogues Lacking

- The Bill does not cite a historical tradition of restricting firearms or magazines in the way it prescribes.
- Colonial- and Founding-era laws did not place magazine restrictions on private citizens, nor did they differentiate “military-grade” firearms from civilian use.

4. Undermining Militia Function and Individual Self-Defense

- HB3075's constraints run contrary to the Second Amendment's twin purposes: enabling a militia to serve as a check on tyranny and supporting individual self-defense.
 - Curtailing access to standard firearms and magazines makes average citizens less prepared to confront serious threats, be they criminal aggression or extraordinary civil turmoil.
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IV. Conclusion

In light of:

- The Supreme Court's rulings in *Heller* and *Bruen*, establishing a robust individual right to keep and bear arms.
- The recognition in *Rahimi* that large-capacity magazines are in widespread civilian use.
- The Founders' intent for citizens to have access to arms equivalent to those of standing armies.
- The pressing need for self-defense in light of stretched law enforcement resources, civil unrest, and proven scenarios like Carol Bowne's tragedy.

House Bill 3075 should be opposed because it imposes unconstitutional and historically unjustified limits on firearm ownership and defensive capabilities. It places citizens—especially those most in need of protection—at a severe disadvantage, while doing little to deter or punish criminal misuse of firearms.

A more balanced approach would respect both public safety and constitutional rights by focusing on enforcing existing criminal statutes against violent offenders, rather than imposing additional burdens on law-abiding gun owners.

Respectfully submitted by concerned citizens and advocates for constitutional rights and personal safety.