

Alisha Overstreet, M.S. Forensic
Psychology
March 18th, 2025

Members of the House Committee on
Judiciary
Oregon State House of Representatives
900 Court St NE
Salem, OR 97301

RE: **OPPOSE** HB3075, HB3075-1

Chair Kropf, Vice Chairs Anderson and Wallen, and Honorable Members of the House
Committee on Judiciary:

My name is Alisha Overstreet. I submit this written testimony in opposition to HB3075 and
to supplement my verbal testimony given on March 17th, 2025.

As mentioned during my oral testimony, HB3075 is a thinly veiled attempt to circumvent the
civil commitment process by allowing non-elected bureaucrats with no background or
clinical knowledge in psychology or psychiatry to make unilateral and arbitrary
determinations on a person's level of dangerousness solely for the purposes of approving
or denying their constitutionally protected right to protect themselves in the most effective
and equitable manner possible.

If a person is "too dangerous" to be approved for a permit to purchase, the state ought to
prove this through the civil commitment process or by otherwise demonstrating a criminal
background that would preclude them from legally purchasing a firearm. Instead, this bill
acts in place of a civil commitment process solely for the purposes of restricting a person's
right to obtain a firearm.

The following are distinct issues with Measure 114 as well as HB-3075 and HB3075-1:

- The permit agent makes the determination regarding a person's level of dangerousness, based on highly subjective and vague criteria.
 - **Not** a judge,
 - **Not** a forensic psychologist or forensic psychiatrist,
 - **Not** a forensic investigator from QMHP
- No representation at the time of accusation:
 - **No** lawyer – public defender
 - **No** court appointed advocate
 - **No** hearing
 - **→ No due process!**
- Civil commitment standard for evidence is "clear and convincing" (ORS 472.290)

- HB3075, HB3075-1 significantly reduces the burden of proof to “reasonably likely.”
- “Does not present reasonable grounds for a permit agent to conclude that the applicant *has been or is reasonably likely to be a danger to self or others, or to the community at large ...*”
 - What is the threshold for “has been?”
 - 2 days ago? 3 months ago? 5 years? 10 years? 30 years?
 - How long is the “has been” time threshold? 2 days in a row? 30 days in a row?
- What are the criteria for “danger to self and others?”
 - Who determines these criteria?
 - Will each sheriff’s department and police department be able to interpret this language within their own communities? Or is there a set standard?
- What does “likely to be a danger to ... the community at large” mean?
 - Is there a standard to determine this?
 - What does it mean?
 - This would allow more progressive leaning sheriffs and Law Enforcement to declare a person who ‘looks like’ a conservative a ‘danger to the community at large,’ because of political perceptions. This would allow also more conservative sheriffs to do the same.
- “reasonable danger”
 - This lowers the threshold from the current civil commitment threshold of dangerousness having to be an “imminent” danger down to “reasonable” danger.
 - This opens up the possibilities of widespread discrimination, bias, and abuse of power.
- IF the permit agent determines that an applicant is “a danger to self or others,”
 - Are permit agents REQUIRED to report the applicant to the courts for a Notice of Mental Illness?
- IF the permit agent determines the applicant to be “too dangerous” to obtain a permission slip to purchase firearms, then why are they not in custody already or in the civil commitment process?

Thank you.

Alisha Overstreet

References

[ORS 427.290 – Determination by court of need for commitment](#)