

Michael C. Smith

Date: 19 March 2025
To: House Judiciary Committee
From: Michael C. Smith
Re: Comments Related to Equity and Definition Concerns in HB 3075

Chair Kropf, Vice-Chairs Chotzen and Wallan, and Honorable Members of the House Committee on Judiciary,

My name is Michael Smith. For purposes of identification, I wear a lot of hats in the Democratic Parties of Oregon and Multnomah County, and am one of the persons who spoke against the Oregonian's endorsement of Measure 114 ([you can watch the video of this here](#)).

I have examined the bill intended to fix problems with Measure 114, HB 3075, and I am opposed to this bill in its current form.

I do not dispute that permit-to-purchase is an effective tool for reducing gun violence and gun deaths. Indeed, Senator Lew Frederick was kind enough to draft 2021's [SB 604](#) at my request. However since that time it has come to my attention that there are problems with only allowing county sheriffs and local police to issue permits.

In particular, members of traditionally overpoliced communities (BIPOC, LGBTQIA2S+) may be reluctant to engage with their county sheriff or local police, particularly in regions that have a hostile relationship with those identity communities. Should a member of an overpoliced community choose to engage, law enforcement still has discretion to deny a permit on "reasonable grounds." I will note that being transgender is increasingly-unfairly and without evidence-considered grounds to abridge the right to keep and bear arms.

This could have the unintended negative consequence of BIPOC and LGBTQIA2S+ persons turning to the black market for firearms for self-defense. **This is not what we want.** We want compliance with rules of safe gun ownership, not prohibition based on belonging to what should be a protected class.

HB 3075 requires an annual report on permit applications granted and denied along with racial and gender information. This is a step towards a more equitable application of the law, but it is insufficient. I would ask that the Committee amend the bill to give the Oregon State Police, judges, and mayor's offices, the ability to issue a permit.

Another problem with Measure 114 is that a "large capacity magazine" is ill-defined. For example, a shotgun with an internal magazine designed for eight 2-³/₄ inch shells could accept more than ten

"mini shells" of 1-³/₄ inch length. This internal magazine is then a "large capacity magazine." HB 3075 does nothing to fix this.

My recommendation would be to scrap this part of the bill altogether. [The evidence supporting the efficacy of a magazine ban is weak at best](#). The permit-to-purchase part of this law will do more good than the magazine restrictions can.

As an alternative, I would urge the Committee to clarify the language so that existing magazines, believed to be legal because they accept ten or fewer standard sized rounds, do not come under the ban and make otherwise lawful owners into accidental felons.

Sincerely,

Michael C. Smith