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On Behalf Of:  
Committee: House Committee On Judiciary  
Measure, Appointment or Topic: HB3076

Oregon House Bill 3076 (HB3076) raises significant constitutional, economic, and practical concerns that should not be ignored. While the bill may have well-meaning intentions, it has the potential to undermine fundamental rights, encourage illegal activity, and impose unnecessary financial strain on licensed firearm dealers (FFLs). This statement addresses key issues surrounding HB3076, emphasizing that it should not be passed in its current form.

#### 1. Constitutional Violations and Second Amendment Concerns

HB3076 presents a clear violation of the Second Amendment rights of Oregonians. The Second Amendment guarantees individuals the right to keep and bear arms, and any law restricting this right must be carefully scrutinized to ensure it is constitutional. By imposing overly restrictive regulations on firearm ownership, transfers, and sales, HB3076 threatens to infringe upon this constitutionally protected right.

The bill introduces provisions that could restrict private firearm sales, impose cumbersome background checks, and create bureaucratic hurdles for law-abiding citizens. Such regulations could disproportionately burden legal gun owners and create barriers to exercising their Second Amendment rights. This may lead to the bill functioning as a de facto form of gun control, reducing lawful access to firearms and infringing on the rights of individuals to protect themselves.

Additionally, HB3076's subjective criteria for restricting gun ownership could violate due process. The rights of law-abiding citizens should not be arbitrarily or excessively limited. Laws that infringe upon constitutional rights should be narrowly tailored, and HB3076 does not meet this standard, making it vulnerable to constitutional challenges.

#### 2. The Creation of a Bigger Black Market

Another unintended consequence of HB3076 is the likely increase in illegal firearms transactions. History has shown that when legal access to firearms is restricted, individuals often seek out illegal channels to obtain them. By making it harder for people to acquire firearms through legal means, HB3076 could incentivize the growth of a black market for firearms, bypassing background checks and other safety measures.

This increase in illegal gun sales would undermine public safety, as transactions outside the regulated system pose a significant risk of unsafe firearms entering the community. Instead of reducing gun violence, HB3076 could inadvertently fuel a more dangerous and unregulated black market, leading to an increase in illegal firearm trafficking and violent crime.

The rise of a black market would also erode the effectiveness of current law enforcement efforts, which rely on regulating legal firearm sales. Instead of focusing on responsible gun ownership, police would have to divert resources to combat illegal

arms trade, further straining public safety efforts.

### 3. Financial Stress on Federal Firearm Licensees (FFLs)

A major concern with HB3076 is the financial burden it imposes on Federal Firearm Licensees (FFLs). These businesses are already operating in a highly regulated and competitive environment, and the new compliance requirements introduced by HB3076 would further strain their resources. Small, independent FFLs would face substantial costs to meet the bill's regulations, which could force many to close their doors.

The additional paperwork, background checks, and record-keeping requirements could result in increased operating costs. Small firearm dealers, many of whom already struggle with thin profit margins, would be disproportionately affected by these changes. Many would be unable to absorb the costs, potentially leading to closures or reduced business activity. This would decrease competition, reduce consumer choice, and limit the availability of firearms in the legal market.

Moreover, FFLs would likely pass these increased costs onto consumers, making firearms and related products more expensive. Higher costs would deter law-abiding citizens.