

OPPOSED

I stand in resolute opposition to the proposed amendments to Senate Bill 243 (SB 243-1), which betray the legislature's sacred duty to the people of Oregon. The Oregon Constitution, Article I, Section 1 declares, "We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness..." This bill, however, subverts that mandate, infringing on the fundamental right to keep and bear arms—a right enshrined in Article I, Section 27 and the Second Amendment of the U.S. Constitution. Far from enhancing peace or safety, SB 243-1 burdens the very freedoms the legislature is tasked to protect.

Below, I detail its deficiencies, constitutional violations, and judicial precedents proving such overreach will not stand. **Deficiencies and Constitutional Conflicts:**

1. 72-Hour Waiting Period (Section 1, ORS 166.412)

Constitutional Violation: The 72-hour delay (ORS 166.412(3)(c)) violates Article I, Section 27 ("The people shall have the right to bear arms for the defense of themselves") and the Second Amendment ("shall not be infringed"). *State v. Blocker* (291 Or. 255, 261, 630 P.2d 339 (1981)) held, "A prohibition on possession that prevents immediate self-defense violates [Article I, Section 27]." *District of Columbia v. Heller* (554 U.S. 570, 628 (2008)) echoed, "The inherent right of self-defense has been central to the Second Amendment right." No historical tradition justifies this, per *New York State Rifle & Pistol Ass'n v. Bruen* (597 U.S. 1, 17 (2022)).

Due Process Issue: It breaches the Fifth and Fourteenth Amendments and Article I, Section 10 ("No person shall be deprived of... property, without due process of law") by denying timely access without a hearing, per *Mathews v. Eldridge* (424 U.S. 319, 333 (1976)).

Disparity and Deficiency: This disproportionately harms vulnerable individuals—like domestic violence victims—needing immediate protection, creating inequity. No evidence shows it enhances safety beyond existing checks.

2. Ban on Rapid Fire Activators (Section 2)

Constitutional Violation: Banning devices like bump stocks (Section 2(1)-(2)) conflicts with Article I, Section 27 and the Second Amendment. *State v. Delgado* (298 Or. 395, 403, 692 P.2d 610 (1987)) ruled, "The legislature may not... enact a prohibition against an arm unless there is some showing that the arm was not commonly used by the citizenry for personal defense." These enhance common-use firearms, protected under *Heller* (554 U.S. at 577). *Bruen* (597 U.S. at 24) demands historical precedent, absent here.

Vagueness: The term "rapid fire activator" (Section 2(5)(h))—"faster rate than is possible"—risks arbitrary enforcement, violating due process (*Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 546 (1993)).

Disparity: Exemptions for federally registered machine gun owners (Section 2(4)(b)) favor the wealthy, denying equal access to defensive tools.

3. Age Restriction to 21 (Sections 4-6, ORS 166.250, 166.470)

Constitutional Violation: Raising the age to 21 (ORS 166.250(1)(c)(A)) infringes Article I, Section 27 and the Second Amendment, incorporated via the Fourteenth Amendment (*McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010)). *Heller* (554 U.S. at 592) affirmed this right for all "the people."

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Equal Protection Breach: The Fourteenth Amendment and Article I, Section 20 prohibit arbitrary discrimination. *Reed v. Reed* (404 U.S. 71, 76 (1971)) voided unequal classifications lacking rational basis—here, denying 18- to 20-year-olds, **trusted to vote and serve, is baseless.**

Disparity: Exemptions for law enforcement (Section 5) privilege some young adults, exacerbating inequity without evidence of broader risk.

4. Public Area Restrictions (Sections 7-9, ORS 166.370, 166.377)

Constitutional Violation: Allowing local bans on concealed carry (ORS 166.377(3)) violates Article I, Section 27 and the Second Amendment. *Bruen* (597 U.S. at 70) held, "The constitutional right to bear arms in public for self-defense is not 'a second-class right.'" Oregon's preemption (ORS 166.170), upheld in *Oregon State Shooting Ass'n v. Multnomah County* (122 Or. App. 540, 545, 858 P.2d 1315 (1994)), forbids this.

Property Rights Concern: Mandating firearm bans on university-managed property can constitute a **taking** under Article I, Section 18, without compensation.

Disparity: Unequal access across regions burdens rural Oregonians disproportionately.

5. Broader Deficiencies

Lack of Empirical Support: No data proves these measures reduce crime beyond current laws, failing *Bruen's* proof requirement (597 U.S. at 24).

Administrative Burden: Thumbprints and permits (Section 1) delay rural and low-income Oregonians, raising equal protection concerns.

Preemption Conflict: Section 9 contradicts ORS 166.170, sowing confusion.

6. Judicial Precedents Thwarting Infringements

Heller (2008) and *McDonald* (2010) struck down barriers to immediate self-defense.

Bruen (2022) voided discretionary public carry limits and unhistorical restrictions.

Delgado (1987) and *Blocker* (1981) protect common arms and immediate access.

Caetano (2016) extended protection to enhancements.

Reed (1971) and *Lukumi* (1993) invalidate unequal or vague laws.

Mathews (1976) demands pre-deprivation process.

SB 243-1's waiting period, device ban, age restriction, and public area prohibitions violate Article I, Sections 1, 10, 20, and 27, the Second Amendment, and the Fourteenth Amendment. They impose disparities by wealth, age, region, and vulnerability, unsupported by history or evidence. **The legislature, as a trustee of the people's inherent power, must reject this bill to fulfill its duty to secure our rights—not erode them.** Precedents ensure its defeat; I urge you to uphold our freedoms and remember your role.

/s/ Jennifer Gunter,

Resident of Wasco County Oregon

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