

I strongly oppose Oregon SB243 as amended.

A Note About Procedure: Most of my objections are to the substance of this bill, but I am also troubled by the deceptive procedural approach employed to introduce this measure: originally filed as an innocuous "study bill," at the last minute the placeholder measure was replaced by a hodge podge of diverse gun control measures in an effort to avoid opposition by actual Oregonians: gut the original bill, stuff it, try to pass it under the radar, and then present Oregonians with a *fait accompli*. "Sorry, should have spoken up when you had the chance." You should be ashamed of this despicable behavior.

Because the "amendment" to the original SB243 place holder bill is 23 pages long, I've keyed my comments to the page/line numbers of the PDF at <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/ProposedAmendment/27451>

Section 1: "Dealer Purchase Waiting Periods" (PDF version of the amendment at page 3 lines 21-28)

This section of the amendment states, among other things:

"(c) The gun dealer may not transfer the firearm or unfinished frame or receiver unless [the dealer receives a unique approval number from the de-partment and,]:

"(A) At least 72 hours have elapsed from the time at which the gun dealer requested the criminal background check; and

"(B) The gun dealer has received a unique approval number from the department indicating that the purchaser is qualified to complete the transfer."

Purported Motivation for This Provision: According to the video taped public testimony given during the March 27th hearing on the bill, the proposed minimum 72 hour waiting period, if adopted, would hypothetically result in a reduction in impulsive suicides¹ and heat-of-passion homicides using a newly-purchased gun. Proponents of the measure argue that a "cooling off period" might allow a new gun purchaser to "calm down" and reconsider any irrational or emotional impulses associated with criminally misusing a newly purchased gun. We don't believe most such incidents are transitory. We know criminals are prone to recidivism, and we know that many mentally ill people have persistent illness. These individuals are ALSO people who should ALREADY be prevented from purchasing a firearm by the instant check system.

And What About Gun Purchasers Who Already HAVE A Guns? Note the other flaw in this policy proposal: it assumes that the purchaser doesn't ALREADY own a gun, even though many gun buyers DO already own one or more.² If an existing gun owner decides to buy an ADDITIONAL gun, why should that subsequent purchase ALSO be subject to a waiting period? The purchaser already has at least one gun that they could misuse if they were so inclined, so delaying a new gun purchase would do NOTHING when it comes to denying them access to a deadly weapon.

It's clear that that the proponents of this measure basically don't like guns at all and would prefer to prohibit the purchase of all guns outright if they could, but since they can't, any measure they can advance to try to make gun purchases more difficult is apparently the "next best thing." Except for first-time gun buyers, this flawed "cooling off period" proposal just introduces "friction" into the lawful purchase of firearms by law-abiding firearm owners, while accomplishing little or nothing when it comes to deterring criminal mis-use or access by the depressed.

This Policy, If Passed Into Law, Will Actually Drive An INCREASE in "Just-in-Case" Speculative Gun Purchases: Currently, if a law-abiding person wants to purchase a gun for self-defense, they can expeditiously purchase one. However, if a MINIMUM 72 hour waiting period does get implemented, it is foreseeable that many people may end up proactively purchasing a gun "just in case" they may eventually need it. Why? They may fear that if they don't go ahead and "jump through the hoops now," they won't be able to get the protection they need in an emergency. This looks to me like a yet

¹ The State of Oregon appears to approve of at least some deliberate suicides, see reporting on the state's "Death With Dignity Act," <https://www.oregon.gov/oha/ph/providerpartnerresources/evaluationresearch/deathwithdignityact/pages/index.aspx>

² <https://www.pewresearch.org/social-trends/2017/06/22/the-demographics-of-gun-ownership/>

another case of incompletely-analyzed gun control proposals driving unintended consequences (as in this case, where a purported gun-CONTROL measure will actually result in unexpected additional new gun owners).

An Undeclared (But Obvious?) Attempt to Deter Lawful Gun Sales at Oregon Gun Shows: Gun shows are routinely held on weekends in Oregon. Assuming dealers follow all Federal and state laws (including completion of an instant check on the status of the gun buyer), firearms can be sold to gun show attendees and purchasers can take their new guns back home with them from the show.

But now hypothetically introduce a MINIMUM 72 hour delay. That delay ensures that even if you rush into a gun show and make a purchase immediately upon the show opens, you will NOT be able to take possession of that gun during the two days duration of the show. The purchaser will need to travel to the gun seller's brick-and-mortar store to actually pick up the firearm after the MINIMUM 72 hour period has expired. In a state as large as ours, that's potentially hugely problematic, since dealers at any given show may be from anywhere in the state. This means that an Oregon purchaser might need to drive many hours to pick up a gun they purchased at a nearby show, but which was sold by a dealer whose bricks-and-mortar store is in a completely different part of the state.

There's also the reality that many Oregon gun dealers might simply opt to quit going to gun shows altogether in an effort to avoid the hassles of arranging for the eventual pick up of firearms by distant Oregon purchasers. If an unspoken objective is to eliminate gun show gun sales in Oregon, a MINIMUM 72 hour waiting period just might very well accomplish that goal -- and that would be a shame.

Section 2: "Rapid Fire Activators" (PDF page 8 at lines 8 and following)

This section of the SB243 amendment attempts to limit the rate of fire of firearms by prohibiting "rapid fire activators." It conflates two categories of devices:

- Devices (such as "Glock switches," "auto sears," or "burst fire triggers") are **already controlled** under the Federal National Firearms Act of 1934 (26 U.S.C. 53, <https://www.law.cornell.edu/uscode/text/26/subtitle-E/chapter-53>)
- Mechanisms that merely facilitate the rapid manipulation of the trigger of a semi-automatic (or other) firearm, as is **allowed** under Federal law (this includes bump stocks, trigger cranks, and similar accessories). Devices that merely facilitate the rapid manipulation of the trigger of a semiautomatic firearm do NOT have the same Federally-controlled status as a true "machine gun." See (considering just a couple of examples), *Garland v. Cargill*, https://www.supremecourt.gov/opinions/23pdf/22-976_e29g.pdf, or "ATF Ruling 1955-528 - Classification of crank-operated gear-driven Gatling guns," <https://www.atf.gov/firearms/docs/ruling/1955-528-classification-crank-operated-gear-driven-gatling-guns>

In considering the "rapid fire activator" section of this measure, note a fundamental truth: **many unmodified guns have the ability to be fired rapidly.** This is true of semi-automatics, but it is also true of many other types of firearms. A few video examples for your consideration:

- Jerry Mickulek, a very fast pistol shooter: <https://www.youtube.com/watch?v=uFoM8S3JwZU>
- The same guy shooting a revolver: <https://www.youtube.com/watch?v=WzHG-ibZaKM> (beginning at 0:56)
- And a fast lever-action rifle shooter: <https://www.youtube.com/watch?v=n68PJM5bazM>

Even black powder cap-and-ball revolvers can be shot quite quickly (at least until its time to reload that gun, which is why many frontiersmen would carry a pair of cap-and-ball revolvers, "reloading" by changing to a second revolver).

Bottom line: attaching a mechanical device to a gun to "simplify" the manipulation of the trigger may *appear* to speed up the firing speed, but even an unmodified handgun or long gun can be fired VERY quickly with surprisingly little practice.

If your goal is to preclude rapid-firing guns, you'll basically need to prohibit ALL GUNS except single shot muzzle loaders.

Section 4: "Firearm Age Restrictions"

The amendment proposes at PDF page 10 line 17 and following

*"166.250. (1) Except as otherwise provided in this section or ORS 166.260, 166.270, 166.273, 166.274, 166.291, 166.292 or 166.410 to 166.470, a person commits the crime of unlawful possession of a firearm if the person knowingly: [...] (c) Possesses a firearm and: (A) Is under [18] **21** years of age;"*

PDF page 11 at line 14:

"(2) This section does not prohibit:

[...]

"(b) A person who is at least 18 years of age but under 21 years of age and who is not otherwise prohibited under subsection (1)(c)(B) to (H) of this section from possessing:

"(A) A single-shot rifle, whether centerfire or rimfire;

"(B) A double-barreled shotgun;

"(C) A repeating rifle, whether centerfire or rimfire, that has a bolt, lever, pump, straight-pull or revolving action;

"(D) A rifle with an attached tubular magazine designed to accept, and capable of operating only with, 0.22 caliber rimfire ammunition;

"(E) A muzzleloader rifle; or

"(F) A shotgun with a pump, break, leve! [sic] or revolving action; [...]"

This list seems to encode the belief that somehow only semiautomatic firearms (and handguns) are dangerous for those under 21. Have you ever actually shot a 12 gauge shotgun? A pump action shotgun (or a single barrel shotgun, or a double barrel shotgun, or ...) is equally as lethal as a semiautomatic shotgun. Singling out JUST semiautomatic rifles and shotguns and handguns is absurd. ALL guns have the potential to kill.

An example of an arbitrary distinction-without-a-difference: la rimfire rifle using a tubular magazine fires exactly the same way as a rimfire rifle that uses a box magazine or other ammunition feeding mechanism. So why ban one, but allow the other?

Technical note #1: Is there any reason why you single out "0.22 caliber rimfire ammunition" but don't treat other caliber rimfire ammunition the same way? (e.g., what's problematic about 17 caliber rimfire ammunition unlike 22 caliber rimfire amunition to mention just one example?)

Technical note #2: Section (E) allows muzzle loading rifles, but implicitly omits (and thus excludes) muzzle loading shotguns? Why?

Technical note #3: Section (F) above mentions "A shotgun with a [...] break, [...] action," which includes over and under and side by side shotguns, so why do you also specifically call out "double barrel shotguns" in (A)? It's redundant.

Reese v. ATF: You may be aware that on January 30, 2025, the Fifth Circuit Court of Appeals ruled that a federal law banning handgun sales to 18-20 year olds is unconstitutional, citing the Second Amendment and the Supreme Court's 2022 ruling in *Bruen*. See: <https://www.documentcloud.org/documents/25509805-reese-v-atf-opinion/>

Admittedly this is a 5th (and not the 9th) Circuit decision, but either this precedent will be replicated in other Circuits (including the 9th), reinforcing that precedent, or conflicting judgements will be entered, increasing the likelihood that the Supreme Court will grant *certiorari*. The law is one that's highly likely to be litigated.

The Alleged Incompletely-Developed Prefrontal Cortex of Those Under 25: Multiple witnesses testified that those under the age of 25 have brains where their decision making and impulse control center (the prefrontal cortex) is "incompletely developed," presumably based on mainstream media coverage such as "Young men, guns and the prefrontal cortex," <https://www.washingtonpost.com/health/2022/06/03/why-so-many-mass-shooters-young-angry-men/>

However, see also some of the studies mentioned in "The Myth of the 25-Year-Old Brain: A powerful idea about human development stormed pop culture and changed how we see one another. It's mostly bunk," see <https://slate.com/technology/2022/11/brain-development-25-year-old-mature-myth.html> -- this is a matter where **the Oregon Legislature should hear direct testimony from actual recognized experts on young adult brain development.**

If Young Adults Do Have Impulse Control Issues Until 25, Then Why Does The Amendment Set The Firearm Ownership Age to Just 21 and Not to 25? However, for the sake of argument, let's temporarily accept the proposition that those under 25 DO indeed have incompletely-developed prefrontal cortices. If that's the case, why does the proposed legislation set the new minimum age for full firearms ownership to 21 rather than 25? If young adult brains are "broken" or "untrustworthy" until they get to 25, shouldn't the bill be setting the minimum age threshold to 25 rather than 21?

If Young Adults Have "Untrustworthy Decision Making Abilities" Until at Least 21 (Or Maybe 25), Why Do We Allow...

- *15 year olds to decide on medical treatment in Oregon without requiring parental consent?*
- *16 year olds to get an Oregon drivers license? Cars and light trucks obviously can be used to perpetrate ramming attacks resulting in mass casualties (see https://en.wikipedia.org/wiki/Vehicle-ramming_attack)*
- *18 year olds to marry a partner even without parental consent (or to have consensual sex)?*
- *18 year olds to enlist in the military (without parental consent)?*
- *18 year olds to vote?*

In some cases, these choices can have serious (and even potentially fatal) consequences. For example, if you enlist in the military and end up in a foreign war, you could easily end up dead. The legislature seem very to be very inconsistent when it comes to what "young adults" can (and can't) be trusted to decide!

Section 7: "Public Area Restrictions"

PDF page 18 at line 18: This part of the amendment expands some prohibited areas to include "adjacent grounds" around specified prohibited areas. This is problematic for multiple reasons, including:

- **Vagueness** -- What is "adjacent?" If I'm across the street, am I "far enough" away? Could "adjacent" be interpreted to include all of the same city? I would suggest that an area subject to this constraint should be required to be clearly delineated, as is done with airport perimeter fencing: inside the fence? Adjacent. Outside the fence? Not adjacent. Unless there's a "hard perimeter," it will be difficult or impossible to notify members of the public of the restriction (such as the "clearly visible signs" mentioned at PDF page 22 line 12).
- **Practical Considerations** -- What if I have a concealed handgun license and routinely carry a concealed weapon, but I need to visit a restricted public area. Can I leave my handgun locked in the trunk of my car? Or does that violate the "adjacent grounds" provision? Don't make it impossible for the law abiding to comply!