

Submitter: Michael Getty
On Behalf Of: Constitutional Rights
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB429
Re: SB 429

Permit and 72 Hour Wait

The requirement for a permit to purchase is unconstitutional in that the cost of the permit and training required by M114 and other legislative bills violates the Federal Constitution. It is an infringement of our rights under the Second Amendment. The cost of which can be excessive and prohibitive to tens of thousands, if not 100s of thousands of Oregonians.

United States Constitution Article XIV: "No State shall make or enforce any law which shall abridge the privileges of citizens of the United States..." The key word is State. The Federal Second Amendment is the law of the land.

In (*Murdock v. Pennsylvania* 319 US 113), requiring a permit or license to exercise a federal constitutional right is unconstitutional and a state may not impose a charge for the enjoyment of a right granted by the Federal Constitution. SB 429 violates our right of the federal law and the Second Amendment which requires no permit to purchase or training – only a background check.

According to the Supremacy Clause (Article VI, clause 2) of the Federal Constitution, Federal law shall be the supreme law of the land, and the judges in every state shall be bound thereby.

Federal Preemption: In the law of the United States, federal preemption is the invalidation of a U.S. state law that conflicts with Federal law. The United States Supreme Court in *Altria Group v. Good*, 555 U.S. 70 (2008), a federal law that conflicts with a state law will trump, or preempt, that state law.

In *Maryland v. Louisiana*, 451 U.S. 725),..."state laws that conflict with federal law are without effect."

If a state converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity. (*Shuttlesworth vs City of Birmingham Alabama*, 373 US 262).

The requirement for a 72 hour waiting period is excessive. Once a person receives approval to purchase the transfer must take place. The 72 hour provision will adversely affect citizens that live in Eastern Oregon and other rural areas.

For example, Lakeview does not have a gun store and, because of the licensing proposed in HB 3076 and will be prohibitive to even start one. That means that citizens in Lakeview must travel 100 miles (one way) or more to select a firearm, go through the background check, travel back home and wait for approval, and after 72 hours travel another 100 miles (one way). That is total of a minimum 400 miles.

And I thought Oregon was trying to reduce its carbon footprint!

And because of the licensing requirements we may even lose what few FFLs we have in town that occasionally process transfers for fear of violating some other laws. SB 249, as written or later amended, is unnecessary and should be scrapped in its entirety.

"Gun control by definition affects only honest people. When a politician tells you he wants to forbid you from owning a firearm or force you to get a license, he is telling you he doesn't trust you. That's an insult. ... Gun control is not about guns or crime. It is about an elite that fears and despises the common people." -- Syndicated columnist Charley Reese (1937-2013) ?