

Submitter:

Jennifer Gunter

On Behalf Of:

Committee:

Senate Committee On Judiciary

Measure, Appointment or Topic:

SB698

SB 698 infringes on rights protected by the Oregon and U.S. Constitutions by restricting concealed handgun licensees' (CHL) firearm possession in public buildings. Article I, Section 27 of the Oregon Constitution guarantees the right to bear arms for self-defense, affirmed in *State v. Hirsch/Friend* (2006) as an individual right subject to reasonable regulation. SB 698's grant of broad, discretionary power to local entities to limit this right lacks uniformity and exceeds reasonable bounds, creating a fragmented legal landscape.

The U.S. Supreme Court has consistently upheld the Second Amendment's scope. In *District of Columbia v. Heller* (2008), it recognized an individual right to bear arms for self-defense, extended to states via *McDonald v. City of Chicago* (2010). *New York State Rifle & Pistol Association v. Bruen* (2022) further clarified that restrictions on public carry must align with historical traditions of firearm regulation—SB 698's expansive application to ALL municipal buildings lacks such grounding, failing Bruen's test. Additionally, *Caetano v. Massachusetts* (2016) reinforced that Second Amendment protections extend to commonly used arms, undermining SB 698's blanket penalty on CHL holders' lawful firearms without evidence of heightened risk. The bill also raises Fourteenth Amendment equal protection concerns. It disproportionately burdens CHL holders—vetted, law-abiding citizens—while exempting law enforcement and others without rational basis, conflicting with Heller's emphasis on protecting responsible gun owners. Its vague language ("policy, ordinance, or regulation") invites arbitrary enforcement, reducing the CHL affirmative defense to a Class A misdemeanor (364 days, \$6,250 fine) without clear due process, a violation of constitutional standards.

Public inequities are evident: rural CHL holders, reliant on public buildings for services, face greater risk than urban residents, while inconsistent signage burdens citizens with deciphering local rules. If enacted, SB 698 would chill a fundamental right, invite SCOTUS scrutiny under Bruen and Heller, and unfairly penalize law-abiding Oregonians.

I strongly urge its rejection to uphold constitutional integrity and equity.

Jennifer Gunter

Wasco County, Oregon