

Submitter: Jennifer Gunter
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB696

I OPPOSE Senate Bill 696, a measure that criminalizes the transport, manufacture, transfer, and possession of so-called “rapid fire activators” with severe penalties—up to 10 years in prison and a \$250,000 fine for transfer, and 364 days in jail with a \$6,250 fine for possession. While public safety is a noble goal, this bill is historically unmoored, inadequately reasoned, and constitutionally suspect.

Historically, SB 696 lacks grounding. In the Founding era, Americans freely modified firearms for self-defense and militia use without laws targeting trigger enhancements. The National Firearms Act of 1934 regulated machine guns but permitted ownership with registration—not outright bans like this. SB 696’s sweeping prohibition on devices like bump stocks or binary triggers has no clear precedent, clashing with the Second Amendment’s original scope.

The bill’s approach is inadequate and misleading. Its definition of “rapid fire activator”—any device increasing fire rate beyond what’s “possible” without it—is so vague it could entangle lawful modifications, like sport triggers, while exemptions for police and registered machine gun owners ignore hunters or hobbyists. The emergency clause assumes an urgent crisis, yet no Oregon-specific evidence justifies it!

The text exaggerates these devices’ danger, implying machine-gun-like effects when, as *Cargill v. Garland* (2024) ruled, bump stocks don’t legally convert firearms to automatic weapons. This misrepresentation echoes federal overreach struck down by the Supreme Court. Specifically: *Cargill’s* Ruling, The Supreme Court held that bump stocks don’t meet the statutory definition of a machine gun because they don’t enable automatic fire with a single trigger pull—they require continuous manual input. SB 696 goes beyond federal law by banning not just bump stocks but a broader category of “rapid fire activators” (e.g., binary triggers, hellfire triggers), even though *Cargill* clarified these don’t fall under the federal machine gun ban. Oregon’s law imposes state-level felonies and misdemeanors where federal law, post-*Cargill*, imposes no prohibition. SB 696 oversteps into a regulatory space where federal law has set a boundary—semi-automatic accessories REMAIN lawful after *Cargill*. Oregon’s unilateral expansion risks inconsistency with national standards, burdening citizens with state penalties for conduct federally PERMITTED!

Constitutionally, SB 696 falters. *District of Columbia v. Heller* (2008) protects individual firearm rights for self-defense, and *Bruen v. New York State Rifle & Pistol Association* (2022) demands restrictions match historical traditions—SB 696 offers no such basis. Colonial laws didn’t ban rate-enhancing tools for personal use, rendering this law susceptible. Its vague terms also violate due process under *Grayned v. City of Rockford* (1972), risking punishment of law-abiding owners unclear on what’s

prohibited. Oregon's Article I, Section 27 reinforces these rights, yet SB 696 disregards them with penalties rivaling felonies for far graver crimes.

This bill overreaches where federal law already treads, as Cargill reaffirmed, and fails to balance safety with liberty. I urge you to reject SB 696. It's a solution without a proven problem, trampling constitutional protections under a guise of urgency. Let's demand precision, evidence, and respect for our rights—not hasty bans built on unsteady ground. I urge you to REJECT it!

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