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On Behalf Of:  
Committee: Senate Committee On Rules  
Measure, Appointment or Topic: SB243

Please stop infringing on our rights when you know better.

#### Infringement on Second Amendment Rights

The 72-hour waiting period, even after a background check is cleared, is seen as an unnecessary barrier to exercising Second Amendment rights. The U.S. Supreme Court's decision in *New York State Rifle & Pistol Association v. Bruen* (2022) established that firearm regulations must be consistent with the nation's historical tradition of firearm regulation. A mandatory waiting period lacks such historical precedent, as historical laws focused on background checks rather than delays post-approval. This could be challenged as an unconstitutional infringement, particularly given the right to self-defense, which may require immediate access to firearms.

#### Vagueness and Overbreadth in Legislation

SB 243's language is criticized for being vague and overbroad, particularly in its ban on "rapid-fire devices" and the expansion of gun-free zones to include "adjacent grounds." The term "adjacent grounds" is undefined, potentially encompassing sidewalks, parking lots, or public spaces nearby.

. This vagueness could lead to inconsistent enforcement, making it difficult for gun owners to understand where they can legally carry firearms. Overbroad laws that criminalize commonly owned accessories, such as certain firearm modifications, may also violate constitutional principles by failing to provide fair notice, a requirement for due process under the Fifth and Fourteenth Amendments.

#### Age Discrimination and Equal Protection Concerns

Raising the age limit to 21 for purchasing semi-automatic weapons is seen as discriminatory, affecting adults who can vote, serve in the military, and live independently. This provision could violate the Fourteenth Amendment's Equal Protection Clause, which prohibits states from denying any person within their jurisdiction the equal protection of the laws. Historical context, such as the Second Militia Act of 1792, required 18-year-olds to own firearms, suggesting that age-based restrictions on semi-automatic weapons lack a compelling state interest. Legal challenges could argue this discriminates against younger adults without justification, especially given their other legal rights and responsibilities.

#### Due Process Violations in Background Check Process

While the bill mandates a 72-hour waiting period post-background check approval, it does not specify a timeline for completing the background check itself. This lack of

clarity could allow for indefinite delays, potentially denying gun owners their rights without due process. The Fifth Amendment ensures that no person shall be deprived of life, liberty, or property without due process of law, and the right to bear arms is considered a fundamental liberty interest. Without a defined process and timeline, law enforcement could arbitrarily delay firearm transfers, raising constitutional concerns similar to those raised against Oregon's Measure 114, as discussed in legal analyses

#### Unnecessary Burden on Law-Abiding Citizens

SB 243's provisions, such as the waiting period, accessory bans, and expanded local government authority, primarily affect law-abiding gun owners rather than addressing root causes of gun violence, such as illegal trafficking, mental health crises, and domestic abuse. Public discussions, such as those on Reddit, highlight that the bill "misses the mark" by focusing on restrictions that do not target actual drivers of gun violence

. This inefficiency could be seen as an unnecessary burden, raising questions about its constitutionality under the Second Amendment, as it fails to balance public safety with individual rights, potentially violating the principle of proportionality in regulation.