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

I respectfully submit this testimony in opposition to Senate Bill 243 (SB 243), specifically its provision requiring a mandatory 72-hour waiting period for firearm and unfinished frame or receiver transfers, contingent on the gun dealer's request for a criminal background check and receipt of an approval number from the Department of State Police. While proponents argue this measure enhances public safety, it imposes unnecessary burdens on law-abiding Oregonians, infringes on Second Amendment rights, and fails to effectively address gun violence. Below, I outline key concerns with this provision.

1. Unnecessary Burden on Law-Abiding Citizens

The 72-hour waiting period adds an arbitrary delay for responsible gun owners who have already passed a background check. Oregon's existing background check system, managed by the Oregon State Police, is designed to promptly identify disqualifying factors. If a buyer passes this check, further delay serves no purpose and penalizes individuals seeking firearms for lawful purposes, such as self-defense, hunting, or sport shooting. For those in urgent need—such as victims of domestic violence or stalking—this delay could be life-threatening.

2. Lack of Evidence Supporting Effectiveness

There is no conclusive evidence that a mandatory 72-hour waiting period reduces gun violence or suicides. Criminals intent on committing crimes do not typically purchase firearms through legal channels subject to background checks, and those with suicidal impulses may not be deterred by a short delay. Studies, such as those from the RAND Corporation, show mixed results on waiting periods' impact, with no clear correlation to reduced crime rates. SB 243's provision appears to be a feel-good measure that burdens law-abiding citizens without addressing root causes like mental health or illegal firearm trafficking.

3. Infringement on Constitutional Rights

The Second Amendment protects the right to keep and bear arms, and delays imposed by SB 243 encroach on this right without a compelling justification. The U.S. Supreme Court's Bruen (2022) decision requires gun regulations to align with historical traditions of firearm ownership, and mandatory waiting periods lack such historical precedent. Additionally, Oregon's Constitution (Article I, Section 27) guarantees the right to bear arms for self-defense, which is undermined by delaying access to lawful firearms.

4. Disproportionate Impact on Rural and Vulnerable Communities

The waiting period disproportionately affects rural Oregonians who may need to travel long distances to purchase firearms from licensed dealers. A mandatory 72-hour delay could require multiple trips, increasing costs and inconvenience. For vulnerable individuals, such as those escaping abusive situations, this delay could

prevent timely access to a firearm for self-defense, putting their safety at risk.

5. Redundancy with Existing Laws

Oregon already has robust firearm regulations, including background checks under Measure 114. If a background check is completed and approved, additional delays are redundant and serve only to frustrate lawful purchases. Resources would be better directed toward improving the efficiency of the background check system or enforcing existing laws against illegal firearm possession and use.

Conclusion

SB 243's 72-hour waiting period for firearm transfers is an ineffective, burdensome restriction that infringes on the rights of law-abiding Oregonians without demonstrably improving public safety. I urge the committee to reject this bill and focus on targeted solutions, such as mental health support and enforcement of existing laws, that address the root causes of violence. Thank you for considering this testimony