

Submitter: Rob Melquist  
On Behalf Of:  
Committee: House Committee On Rules  
Measure, Appointment or Topic: SB243

Members of the Committee,

I am writing in strong opposition to Senate Bill 243B, which expands the Oregon Department of Justice's authority to collect, analyze, and share data regarding firearm transfers and background checks. While intended to enhance public safety, the bill poses serious risks to constitutional rights, individual privacy, and due process for law-abiding gun owners.

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#### Second and Fourth Amendment Concerns

The broad data collection authorized by SB243B undermines the Second Amendment of the U.S. Constitution and Article I, Section 27 of the Oregon Constitution. In *District of Columbia v. Heller* (2008), the U.S. Supreme Court affirmed that the right to possess firearms is individual and unrelated to militia service. Collecting and sharing data on lawful gun transfers may create a chilling effect, discouraging the lawful exercise of this right.

Further, SB243B raises Fourth Amendment concerns. In *Carpenter v. United States* (2018), the Court ruled that mass data collection without individualized suspicion can violate expectations of privacy. Firearm transfer records, especially when centralized for non-investigative purposes, should be afforded similar constitutional protection.

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#### Risk of a De Facto Gun Registry

Though not labeled as such, SB243B lays the foundation for a de facto state-run gun registry, something that federal law expressly prohibits. The Firearm Owners' Protection Act of 1986 (18 U.S.C. § 926(a)) bans the federal government from creating such a registry. Oregon's version risks circumventing the spirit of this protection and opens the door to future misuse or political weaponization of data on lawful gun owners.

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#### No Clear Public Safety Benefit

There is no clear evidence that the data aggregation authorized by SB243B would reduce gun violence. Criminals do not follow legal transfer processes, and burdening lawful gun owners does not deter illegal firearm activity. Public safety efforts should focus on enforcing existing laws against violent offenders, not expanding state surveillance of those in compliance.

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#### Potential for Abuse and Discrimination

SB243B lacks transparency and limits on how collected data may be used or shared. History shows that government surveillance tools can be repurposed or abused — and often unequally enforced. Such systems have the potential to disproportionately impact rural Oregonians and marginalized communities. This bill risks turning lawful firearm owners into de facto suspects without probable cause.

In *NAACP v. Alabama* (1958), the U.S. Supreme Court ruled that compelled disclosure of private association data could violate constitutional freedoms. Aggregating firearm transfer information for general analysis — rather than specific investigations — raises similar concerns about compelled disclosure and future misuse.

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#### Conclusion

SB243B infringes on core constitutional protections, invites the creation of a de facto gun registry, and creates significant privacy and due process issues. It offers no clear path to improved safety and risks undermining the rights of law-abiding Oregonians.

I urge you to reject SB243B and pursue approaches that address violent crime without targeting responsible firearm owners or compromising civil liberties.

Respectfully submitted,  
Rob Melquist