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

Below is a dissent against Oregon Senate Bill 243 (SB 243), citing relevant provisions from the Oregon Constitution and the United States Constitution. The dissent argues that SB 243 infringes on constitutional protections of the right to bear arms and highlights concerns about its provisions, including the 72-hour waiting period, the ban on rapid-fire devices, restrictions on firearm purchases for those under 21, and the delegation of authority to local governments to regulate firearms in public buildings. The dissent is structured as a formal legal argument, grounded in constitutional principles and informed by the provided web results.

Dissent Against Oregon Senate Bill 243

Introduction

Oregon Senate Bill 243 (SB 243), passed by the Oregon Senate on May 29, 2025, imposes significant restrictions on firearm ownership and use, including a 72-hour waiting period for gun purchases, a ban on rapid-fire devices such as bump stocks, a prohibition on individuals under 21 purchasing semi-automatic weapons, and authorization for local governments to regulate firearms in public buildings. While proponents argue these measures enhance public safety, I respectfully dissent, contending that SB 243 violates fundamental rights guaranteed by both the Oregon Constitution and the United States Constitution. This dissent focuses on the infringement of the right to bear arms, the overreach of legislative authority, and the potential for arbitrary enforcement, drawing on constitutional provisions and legal precedent.

Violation of the Oregon Constitution

Article I, Section 27: Right to Bear Arms

The Oregon Constitution explicitly protects the right to bear arms in Article I, Section 27, which states: "The people shall have the right to bear arms for the defense of themselves, and the State, but the Military shall be kept in strict subordination to the civil power." This provision establishes a robust individual right to bear arms for self-defense, a right that is not subject to undue restriction by the state. SB 243's provisions, particularly the 72-hour waiting period and the ban on semi-automatic weapons for individuals under 21, impose significant burdens on this right.

The 72-hour waiting period delays the exercise of a constitutional right without compelling justification. While proponents claim it reduces impulsive acts of violence,

such as suicides, the evidence is speculative and fails to account for the immediate need for self-defense in certain circumstances. For example, individuals facing imminent threats, such as victims of domestic violence, may be unable to access firearms for protection during the waiting period. This restriction undermines the core purpose of Article I, Section 27, which is to ensure the people's ability to defend themselves. Moreover, the Oregon Court of Appeals' ruling on Measure 114, which upheld a permit-to-purchase system, does not automatically validate additional restrictions like those in SB 243, as each regulation must independently satisfy constitutional scrutiny. [\(https://www.opb.org/article/2025/03/27/oregon-gun-law-firearms-weapons-guns-measure-114-senate-bill-243-waiting-period-bump-stock/\)](https://www.opb.org/article/2025/03/27/oregon-gun-law-firearms-weapons-guns-measure-114-senate-bill-243-waiting-period-bump-stock/) [\(https://www.opb.org/article/2025/04/11/firearms-guns-oregon-gun-legislation-regulation-rapid-fire-devices-waiting-period-measure-114/\)](https://www.opb.org/article/2025/04/11/firearms-guns-oregon-gun-legislation-regulation-rapid-fire-devices-waiting-period-measure-114/)

The prohibition on individuals under 21 purchasing semi-automatic weapons further infringes on Article I, Section 27. Young adults aged 18 to 20 are recognized as full citizens under Oregon law, entitled to vote, serve in the military, and exercise other constitutional rights. Denying them the ability to purchase semi-automatic firearms—a broad category of weapons commonly used for self-defense—arbitrarily restricts their constitutional protections. The exceptions for certain hunting rifles and shotguns do not mitigate this infringement, as they limit the choice of arms available for self-defense, which is the core right protected by the Oregon Constitution