

Submitter:

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On Behalf Of:

Committee:

House Committee On Rules

Measure, Appointment or Topic:

SB243

Oregon Senate Bill 243, continues to pose a significant threat to the fundamental right to keep and bear arms, as guaranteed by the Second Amendment to the U.S. Constitution and Article I, Section 27 of the Oregon Constitution. While framed as a public safety measure, this bill represents an overreach that burdens law-abiding citizens and undermines the principles of self-defense, without effectively addressing the complex causes of violence.

The Supreme Court's clear rulings in *District of Columbia v. Heller* (2008), *McDonald v. City of Chicago* (2010), and most recently *New York State Rifle & Pistol Association v. Bruen* (2022) affirm that the Second Amendment protects an individual's right to possess firearms for self-defense and that firearm regulations must be consistent with the nation's historical tradition of firearm regulation. SB243 fails to meet this constitutional standard.

Specifically, SB243's proposed measures present several glaring constitutional and practical deficiencies:

1. Restrictions on "Rapid-Fire Activators" and the Creation of Instant Criminals: The bill's prohibition on "rapid-fire activators" (such as bump stocks, binary triggers, and forced reset triggers) is a direct attack on accessories that are increasingly common and lawfully owned. While proponents often inaccurately conflate these devices with machine guns, the Supreme Court in *Garland v. Cargill* (2024) recently affirmed that bump stocks do not transform semi-automatic firearms into machine guns. Therefore, a blanket ban on these accessories, often based on vague definitions, sets a dangerous precedent. Crucially, this law would instantaneously make criminals out of law-abiding citizens who, on day one of its enactment, simply possess items that were previously legal. It disarms responsible Oregonians of tools they may choose for recreational shooting or, in some contexts, self-defense, without demonstrating a clear link to reduced criminal violence. Such bans represent a legislative overreach into the type of "arms" protected by the Second Amendment, which includes modern arms in common use.

2. Expansion of "Gun-Free Zones" and Undermining Concealed Carry by Highly Lawful Citizens: SB243 grants local governments expanded authority to prohibit firearms in public buildings and adjacent grounds, even for concealed handgun license (CHL) holders. These "gun-free zones" are counterproductive to public safety. They create attractive "soft targets" for criminals, who, by definition, disregard laws. It is critical to recognize that CHL holders are among the most vetted and lawful

citizens in our society, with studies consistently showing they commit crimes at a significantly lower rate than the general population, and even lower than some segments of law enforcement. Disarming these highly responsible individuals in public areas removes their ability to protect themselves and others, potentially leaving them vulnerable during a violent attack. The Second Amendment right to bear arms extends beyond the home, as clarified in Bruen, and restricting carry in common public areas without compelling historical justification undermines this right. Furthermore, the provision that an affirmative defense for a CHL holder in such a zone results in a Class A misdemeanor conviction effectively punishes individuals for attempting to exercise their constitutional right. This creates a confusing and punitive landscape for responsible gun owners.

3. Misplaced Focus on Ineffective Restrictions: The current bill, like many similar legislative efforts, places a disproportionate emphasis on regulating law-abiding gun owners rather than addressing the root causes of violence. The vast majority of firearm deaths in Oregon are suicides, and this bill does little to address the underlying mental health crises that lead to such tragedies.

In conclusion, Oregon SB243, is a misguided and unconstitutional attempt to erode the Second Amendment rights of Oregonians.