



CONSERVING THE PEACE THROUGH VALUES DRIVEN SERVICE / SHERIFF PAT GARRETT

May 12, 2023

RE: Measure 114 Summary Update

This letter is in response to a Budget Committee question about the status of Measure 114 passed by Oregon voters in November 2022. In summary, the measure requires local law enforcement agencies to issue a permit-to-purchase a firearm after the applicant demonstrates their ability to lock, load, unload, fire, and safety store a firearm. The measure requires the applicant provide photo identification, be fingerprinted, undergo a criminal background check, and pay a fee not to exceed \$65.00. The measure limits magazines to 10 cartridges. My update will cover three areas: court challenges, legislation, and our preparations to implement the provisions once they become law.

Court Challenges: Measure 114 is the subject of Federal and State litigation. In federal court, four cases are consolidated with the lead case, *Oregon Firearms Federation Inc. v. Brown (USDC Case No. 2:CV-0815-IM)* set for expedited trial on June 5, 2023. The State case, *Arnold v. Kotek, Harney County Circuit Court Case No. 22CV41008*, has a preliminary injunction in place preventing the law from going into effect. Summary judgment motions to legally decide issues in the case is set for hearing on June 16, 2023. The case is set for six-day trial starting September 18, 2023. The injunction will likely remain in place until then.

Oregon Legislature: Senate Bill (SB) 348 attempts to address several issues with Measure 114 that rise from the court challenges. SB 348 could also prompt new court challenges around issues of cost, additional misdemeanor convictions that would prohibit firearms purchase, and other provisions that arguably are inconsistent with the Constitutional test for firearms regulations by the United States Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. ____ (2022). The bill is currently in the Senate Ways and Means Committee. If passed, the bill would take effect July 1, 2024.

Currently, SB 348 includes the following provisions:

- A person residing in a city may apply for a purchase permit through their local police department or Sheriff's Office. Residents in unincorporated areas can only apply to the Sheriff. As a practical matter for most counties, this is likely to put the bulk of the work on the sheriff's office.
- Prohibits a person from acquiring a purchase permit for four years after a misdemeanor conviction. Note: this provision could prompt a new Constitutional challenge because it expands the prohibition to firearms purchase from a conviction of a violent misdemeanor to all misdemeanor convictions.
- Creates an exemption from disclosure of purchase permits from public records requests.
- Provides local agencies 60 days to process permits, instead of 30 days in Measure 114.
- Restricts people under 21 years of age from purchasing a variety of firearms (they can purchase hunting rifles and shotguns). Measure 114 did not include this prohibition.
- Firearms training under the must be approved by a law enforcement agency.
- The bill requires a report by the State Police with county-by-county data that would likely require the county to track and provide that information to the state.

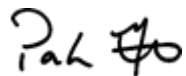
- The bill exempts certain groups from having to take the firearms qualification course including law enforcement officers and National Rifle Association instructors.
- The bill provides broad state law immunity for permit agents (local law enforcement agencies) but does not impact federal claims.
- The bill makes no changes to the 10 round magazine restrictions.
- After July 2024, police officers would not need a purchase permit to buy a firearm, but the exemption does not apply to corrections officers, or parole and probation officers.
- All challenges to the bill must be brought in Marion County unless filed in federal court.
- The bill increases a purchase permit to \$150.00 for the initial permit and \$110.00 for a renewal process after five years. It also caps the portion the state can charge to the permit agent (Sheriff's Office) to \$48.00 for their work related to the background check.

Currently, the state legislative process is unclear. The passage of SB 348 may not happen, which would leave the standards of M114 in place, included the cap on the permit fee.

Sheriff's Office Preparations: Our initial estimate for personnel to staff permit services are three Administrative Assistant II positions, and one Senior Administrative Assistant. Annual personnel costs total about \$415,000, plus a computer and office start-up cost of about \$20,000. These positions have not been included in the budget. We plan a supplemental budget request, pending clarification on operational needs, the revenue stream, and an effective date. Measure 114 was an unfunded mandate on local governments to provide permit request services without sufficient revenue to offset the total cost of the legally required services. Following Measure 114's passage, the Oregon State Police (OSP) advised they would charge local permit agents, like our office, a \$45.00 fee for each OSP record check, leaving up to \$20.00 WCSO could collect and almost certainly not cover our costs.

Considering historical firearms purchases and more recent trends, the Oregon State Police estimate about 300,000 purchase permit requests in the first year after the law goes into effect. Bearing in mind Washington County's population is roughly 14% of the state's population, we can estimate about 42,000 permit requests county wide in the first year, or about 162 every business day.¹ Considering the county's unincorporated population is about 6.3% of the state's population, we can estimate about 19,000 permit requests from the unincorporated area in year-one, or about 73 each business day.² While we are doing our best to make initial plans, we cannot predict how this will turn out, considering the multiple court challenges and the senate bill that is in process at the legislature.

Sincerely,



Sheriff Pat Garrett
Washington County

¹ Total anticipated permit requests in first year = 300,000. Total county population (606,000) is about 14% of total state population (4,270,000). $300,000 \times .14 = 42,000$ permit requests in first year.

² Total unincorporated county population (270,000) is about 6.3% of total state population. $300,000 \times .063 = 19,000$ permit requests in first year.