



# OREGON STATE SHERIFFS' ASSOCIATION

PO Box 7468, Salem, OR 97303 | 503.364.4204 | [www.oregonsheriffs.org](http://www.oregonsheriffs.org)

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November 17, 2022

Statement on Measure 114

The Oregon State Sheriffs' Association (OSSA) has been receiving a number of inquiries about how and when Measure 114 will be implemented. OSSA understands that Oregonians have strong opinions on this measure, and many who believe that it is a violation of their Second Amendment rights. Any violation of the constitution will ultimately be decided by the judicial branch of government, and OSSA is confident that there will be legal challenges to the measure to test whether or not this measure is constitutional. Any legal challenge could potentially result in the measure being stayed (suspended or a delayed implementation) by a court, but that is not a certainty.

Because the measure prevents anyone from purchasing a firearm without a permit, waiting for a court stay of the measure puts Oregonians at risk of not being able to purchase any firearms at all after the measure takes effect. In light of that, while the legal challenges work their way through the system, OSSA will work with the Oregon State Police and the Oregon Association of Chiefs of Police to implement a permit system as soon as possible.

OSSA was not consulted when this measure was crafted and completely understands the uncertainty caused by this measure, however the measure was passed by a majority of Oregonians. Until such time as all or part of the measure is stayed or found unconstitutional by a court, the measure is the law in Oregon.

OSSA did provide a cost analysis to implement this program prior to the election. OSSA stands behind this cost analysis and is confident this program as structured will cost local governments more than the fee generates. Creating and maintaining the permit process will require local law enforcement agencies to shift the already limited law enforcement resources to this newly enacted measure/program.

There are many unanswered questions about the measure that will have to be determined by the courts and other State Elected Officials/agencies. Below is what we know so far.

\*The measure will take effect on December 8th, 2022.

\*As of the date the measure goes into effect we believe that all firearms sales by dealers, at gun shows and most private transfers (other than to a close relative) in Oregon will immediately stop.

\*Firearms purchases (that have not been completed prior to December 8, 2022) will most likely not be completed at all until the purchaser obtains a permit-to-purchase because the Oregon State Police will stop processing the required background checks if there is no permit.

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\*In order to get a permit, a person must pay a \$65 fee and meet several requirements, including having proof of completion of any law enforcement firearms training course or class that is offered for security guards, investigators, reserve or other law enforcement officers, or from a trainer certified by a law enforcement agency.

\*Every Sheriff's Office and local police department must set up a system to issue these permits. The revenue generated by the permits (\$65 for each permit) will not come close to fully funding the required processes. In most law enforcement agencies there is no personnel or money to fund this required program. This will result in other public safety resources being reduced to cover the costs of implementing a new permit program.

\*After the effective date of this measure, it will be a crime (Class A misdemeanor) to manufacture, sell, possess, transfer or use a large magazine that holds over ten rounds, with some narrow exceptions for licensed gun dealers and manufacturers.

\*A person charged with the crime of possession of a large capacity magazine can raise an affirmative defense if they can prove they owned the large capacity magazine before the measure took effect and the magazine was either on property owned by the person, or on the premises of a licensed gun dealer, or they were using the magazine at a public or private shooting range to the extent permitted under state law, while engaged in a firearms competition or exhibition, or while transporting the magazine to one of the excepted locations if the magazine is locked in a separate container from the gun.

\*Having an Oregon concealed handgun license (CHL) does not excuse a person from obtaining a permit-to-purchase, although the training required to obtain a CHL may satisfy some of the training requirements needed to get a permit.

\*Having a concealed handgun license does not exempt a person from the ban on large-capacity magazines. Even after obtaining a permit-to-purchase, a person wishing to buy a firearm will be required to go through another background check at the time of purchase to get an approval from the Oregon State Police for the transfer.

\*The measure also requires the Oregon State Police to create and maintain a database (registry) of all firearms sales once the measure takes effect. A person will stay on that registry until they provide proof they transferred the firearm to another permit holder and the information to have the registry updated to reflect the new ownership.

OSSA asks for patience as OSSA works collaboratively with other law enforcement organizations to implement the permit process. While this is a huge undertaking for Oregon law enforcement which is already under-resourced, OSSA will work diligently to implement this complex measure.

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