



SHERIFF

WASHINGTON COUNTY

CONSERVING THE PEACE THROUGH VALUES DRIVEN SERVICE / SHERIFF PAT GARRETT

Statement from Sheriff Pat Garrett related to Measure 114 on November 17, 2022:

I am aware that there are questions surrounding Measure 114, many of which remain unanswered; however, I would like to share what I know. According to the Oregon Secretary of State, Measure 114 will go into effect at 12:00 AM on December 8, 2022.

On that date, firearm sales by dealers, at gun shows, and private transfers (other than close relative transfers) will stop in Oregon. Gun dealers cannot transfer a firearm after December 8 without the purchaser's valid permit-to-purchase, as defined in section 3 of the measure. If you purchase a firearm before December 8, it must be in your possession before the measure takes effect. The purchase is not finalized if the firearm is not in your possession.

Currently, no procedure exists to issue these permits, but the [Oregon State Police](#), the [Oregon State Sheriffs' Association](#), and the [Oregon Chiefs of Police](#) are working to create a system. The measure then requires every Sheriff's Office and local police department to enact a system to issue these permits. Creating and implementing such a system will significantly impact our office's workload, not sustained by permit fees, and will require me to divert staff from other public safety duties.

There has been some discussion about judicial challenges to the measure. Our Constitution created three separate branches of government: the legislative, judicial, and executive branches. The Sheriff represents the executive branch of local government. As Sheriff, there is no question that I am bound to uphold the law. It is not, however, the role of the executive branch to interpret the law. The drafters of our Constitution made it clear that interpreting the law is the judicial branch's role. I cannot substitute my opinion of what the law is or should be for that of the judicial branch. Doing so would violate the Constitution's basic principle of separation of power.

However, as Sheriff, I am afforded some discretion when executing the law. Notably and by necessity, law enforcement officers exercise discretion every day when enforcing the law. I am mindful of the fiscal challenges of the Sheriff's Office, and we will continue to exercise appropriate discretion considering limited resources to address increasing public calls for service.

Because the measure effectively stops all gun sales in Oregon, I expect a court challenge occurs before the measure takes effect. At a minimum, I would not be surprised if a federal judge temporarily stayed the measure until a permit process is created or it is determined if the measure violates the Second Amendment. There is a serious question of whether a citizen's inability to purchase a firearm goes directly against the "core" Second Amendment right. The Oregon State Sheriff's Association supports a court challenge to clarify Constitutional questions raised by this measure.

-Sheriff Pat Garrett

A handwritten signature in black ink that reads "Pat Garrett". The signature is stylized and cursive.