

Columbia County Second Amendment Sanctuary Ordinance Comes Under Legal Scrutiny

County submits ordinance for judicial examination and judgment; citizens, gun safety advocates, and Attorney General question validity, as state legislature approves gun control laws

The Columbia County Second Amendment Sanctuary Ordinance, recently adopted by the Columbia County Board of Commissioners, is facing a number of questions and challenges, including the first court test of whether local governments can ban police from enforcing certain gun laws.

Columbia County voters approved Measure 5-270, the "Second Amendment Preservation Ordinance" in 2018 and then added penalties when they approved Measure 5-278 "Second Amendment Sanctuary Ordinance" in 2020.

The second Sanctuary Ordinance was narrowly approved by voters in November of 2020 by just over 500 votes out of 30,000 votes cast and then adopted by the Board of County Commissioners as Ordinance 2021-1. It forbids local officials from enforcing most federal and state gun laws and could impose thousands of dollars in fines on anyone who tries.

Meanwhile, the Oregon Legislature moved forward with gun control legislation on May 5 with the Senate's 17-7 vote for the passage of the House revised Senate Bill 554, which combines requirements to secure firearm with trigger or cable lock, in locked container or in gun room except in specified circumstances, with a narrowed ban on concealed-handgun license holders bringing firearms into some public places, notably the Capitol and the Portland airport. Senator Betsy Johnson was the lone Democrat to join six Republicans in voting against the bill; the House passed the bill 34-24 with three Democrats joining 21 Republicans in voting against it; Democratic Representative Brad Witt voted in favor. The bill is still waiting to be signed into law by Governor Kate Brown, and would make Oregon the

12th state with some form of requirements for locks and safe storage of firearms.

Second Amendment sanctuary resolutions have been adopted by over 1,200 local governments in states around the U.S., including Virginia, Colorado, New Mexico, Kansas, Illinois, and Florida. While many are symbolic, some, like Columbia County's, carry legal force. Columbia County's ordinance would ban the enforcement of laws like background check requirements and restrictions on carrying a gun, though it would have exceptions for others, including keeping firearms from convicted felons.

25 out of Oregon's 36 counties, plus three cities, have adopted Second Amendment sanctuary, or other pro-Second Amendment, resolutions. During the 2020 election cycle, judges in both Grant and Harney counties concluded that initiative petitions nearly identical to the one narrowly passed in Columbia County were unconstitutional and ruled those initiatives could not be placed on the ballot. Clatsop County's District Attorney publicly criticized as unconstitutional a nearly identical measure that was rejected by Clatsop County voters.

Four residents of Columbia County joined the legal proceedings on April 29 by filing court documents against the County, arguing that the measure is unconstitutional and violates both federal and Oregon law, and asking the court to invalidate Ordinance 2021-1.

On April 30, 2021 Oregon Attorney General Ellen Rosenblum weighed in on the situation in Columbia County in a brief filed in Circuit Court, stating both the measure passed by voters and the ordinance adopted by the County are invalid, because "they conflict with and are incompatible with the State's criminal laws, the duties of the Columbia County Sheriff, the duties of the Columbia County District Attorney, and the duties of other officers and departments of Columbia County."

Columbia County has now passed the case to Judge Ted Grove for 'Judicial Examination and Judgement

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