

Opponents line up against Oregon gun control proposal

BY JOHN TILLMAN
East Oregonian

PENDLETON — A measure requiring a permit, reporting of application data and safety training to buy a firearm in Oregon is set to appear on the November ballot. And gun rights proponents are taking stances against it.

Measure 114 also would outlaw magazines holding more than 10 cartridges. “First and foremost, I hope voters will take the time to educate themselves on the measure and review it line by line,” Umatilla County Sheriff Terry Rowan said. “Measure 110 might not have passed had people studied it. Proponents sold it as breaking the cycle of addiction, but didn’t focus on legalizing the most dangerous drugs, so that addicts would no longer be compelled to seek treatment. Similarly, Measure 114 advocates focus on stopping gun violence, but the public really needs to evaluate its language.”

The proposition, titled “Changes to Gun Ownership and Purchase Requirements Initiative,” is one of the strictest gun control measures ever proposed in the nation, according to opponents.

“(Measure 114) will virtually end the sale of firearms in (the state),” Oregon Firearms Federation Executive Director Kevin Starrett said on July 26. “Where do you suppose all the smaller towns who rely on private gun clubs for training are going to go for the live fire portion of the class? How often will they provide it? What costs will be created? How do those increased costs and barriers affect Black folks in inner-city Portland?”

Measure 114 would require a permit to obtain any firearm, and it would outlaw magazines capable of holding more than 10 rounds. If the measure passes, it would ban some commonly used pump shotguns because their capacity can exceed that limit. Further, Oregon State Police would be required to maintain a searchable public database of all permit applications.

Rowan also said he was convinced the measure is a direct violation of the U.S. Constitution’s Second Amendment.

“It could take a couple of years before the Supreme Court hears a challenge,” Rowan noted. “While waiting, Oregonians would be deprived of their right to self-defense. In the meantime, those with ill intentions are still going to get a gun, ignoring the provisions for background checks and safety training.”

The \$65 fee associated with the measure won’t cover even half of the cost of implementing it, Rowan said. The Oregon State Sheriffs’ Association estimated the first year cost at \$40 million. The OSSA opposes the measure, and the Oregon Association Chiefs of Police might join them, he commented.

“If a citizen of Pendleton needs a gun for self-defense, who is going to provide the services required by the measure?” Rowan asked. “City police forces lack the time, money and staff. The unfunded, mandated safe handling and storage instruction is an attempt to stall people in purchasing a firearm.”

Rowan said he prefers applying stricter penalties on and enforcement of firearms laws already on the books.

“Again, it’s all in how the picture is painted,” he concluded. “If it’s pitched as stopping gun violence, then voters might buy into it. Opponents must emphasize education on the measure’s impact. High-capacity magazines are common for legitimate purposes. I hope voters don’t repeat the errors of Measure 110, but will realize what else is in it.”

The initiative does not estimate the cost or analyze its impact on small local police departments.

The Oregon State Sheriffs’ Association estimated even if a person could somehow complete the required training, the permitting process could cost sheriffs almost \$40 million annually. But nothing in the measure provides any funding, and the fees included would not come close to covering the costs.



Kathy Aney/East Oregonian, File
Clay Winton, owner of Crosshair Customs in Baker City, chats with customers March 11, 2018, at the Pendleton Gun Show. The passage of Measure 114 on the November ballot in Oregon would make obtaining a gun more difficult and outlaw magazines that hold more than 10 rounds.

ering the costs.

“Numerous police departments and sheriff’s offices have agreed that complying with this measure will either be exorbitantly expensive or impossible,” Starrett said. “None have said they will be offering the training required to apply for the permit to purchase, which sheriffs and local police will be tasked with administering.”

Mass shootings boost initiative drive

In early May, the almost all-volunteer Initiative Petition 17 to get the proposals on the ballot had gathered less than a third of the required signatures, Oregon Public Broadcasting reported. But that changed dramatically after shootings in Buffalo, New York, and Uvalde, Texas.

Volunteers and donations poured in, and the number of signatures ballooned, according to OPB. By late June, organizers said they had collected sufficient signatures to get the measure on the ballot. Yet they continued the effort to ensure there were enough, in case the

Oregon Secretary of State disqualified some. State officials check and validate every signature.

The initiative would close the so-called Charleston loophole by requiring people to pass a background check before buying a gun. The Oregonian reported in May.

Under current federal law, firearms dealers can sell guns without a completed background check if it takes longer than three business days, measure proponents said. That’s how the gunman in the 2015 Charleston African Methodist Episcopal Church mass shooting bought the Glock 41 .45 cal. pistol with which he killed nine parishioners.

Critics contend measure threatens legal gun owners

The measure would enact a law requiring a permit issued by a local law enforcement agency to purchase any firearm. Applicants would have to pay a fee, be fingerprinted, complete safety training, and pass a criminal background check.

In addition, the applicant

must complete a hands-on demonstration of basic firearms handling to qualify.

“In order to obtain the permit, an applicant would have to show up with a firearm to demonstrate the ability to load, fire, unload, and store the firearm,” Williamson, a Salem trial attorney specializing in gun law, said. “But you can’t get a firearm without the permit. And under Oregon’s highly restrictive gun storage laws, no one can legally loan a firearm to another. That creates an impassable barrier.”

H.K. Kahng of Portland served on five-person committee to write the measure 500-word explanatory statement to appear in the voters’ guide this fall. Kahng, an engineer and National Rifle Association firearms instructor, said the permit and training programs create an unfunded mandate with no enforcement measures.

“The measure calls upon the Oregon State Police to come up with these (permitting and training) programs, but there’s no consequence if

they don’t, and there’s no time frame for coming up with them,” Kahng said during the committee’s July 26 meeting.

Williamson also expressed concerns the permit system grants the Oregon State Police “unfettered authority” to inquire into all manner of personal information of the applicant and to deny the applicant the permit for any reason or for simply failing to cooperate.

“No information is off limits,” he claimed. “The introduction of highly subjective criteria in (the measure) allows the government significant authority to intrude into the private lives of law-abiding citizens wishing to exercise their protected rights under the Second Amendment.”

Opponents also argue that language describing the magazine ban creates confusion.

The measure allows “registered owners” of magazines that hold more than 10 rounds to retain them so long as they were purchased before the ban.

“But how do you prove when you purchased a magazine?” Williamson asked. “There is no magazine ‘registration.’ They don’t have serial numbers. There’s no way for the average person to prove they had it before the law was passed. That means citizens must prove their innocence.”

Lawfully owned magazines that exceed 10 rounds may not be used for self-defense outside the home. Under the measure, possession would be restricted to the owner’s property, at a gunsmith, on a private shooting range or during a firearms competition.

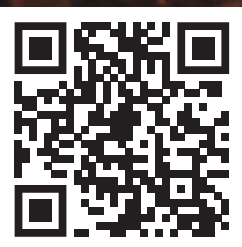
“The minute you leave the house, that 15-round magazine is now illegal, and you could be arrested and charged with a misdemeanor for each magazine in your possession because you’re not in your home or at a gun range,” Williamson explained. “And you could be charged multiple times for the same magazines since magazines do not contain identifying markings.”

“So that could make an otherwise legal gun-owner a criminal overnight,” Kahng commented.



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