



Written by [James Murphy](#) on November 15, 2022

Oregon's Controversial Anti-gun Measure Passes; Still Faces Hurdles

A constitutionally questionable anti-gun measure appears to have passed in Oregon with a narrow margin supplied primarily by the West Coast population centers in the state. Measure 114, which will, among other things, require state residents to obtain a permit prior to purchasing a firearm, passed by 74 percent in Multnomah County, where Portland is located. Eastern portions of the state voted overwhelmingly against the measure.

The measure would have been defeated in 29 of Oregon's 36 counties. The results are expected to be certified on December 15, with the law scheduled to take effect 30 days from then.

If enacted, [Measure 114](#) will eliminate person-to-person transfers of weapons, often referred to as "gun show loopholes," and ban magazines that hold more than 10 rounds.

Despite the passing of the legislation, there remains a great deal of confusion as to how the new Changes to Firearm Ownership and Purchase Requirements Initiative will be implemented.

"We're hopeful that the permitting process would be able to be in place and that was mainly based on the fact that there's a current process for concealed handgun licenses that's very very similar," said Liz McKanna, of Lift Every Voice, an organization that championed the anti-gun legislation.

But "very, very similar" is not the same as "ready to go." In fact, some believe it could take up to a year before the program is ready.

Does that mean gun sales will be unaffected in the state until the new measure is in place, or that all weapon sales in Oregon will be halted until the new permitting process is ready?

"As we see it, legally when this is signed into law, they can no longer sell firearms until you have a permit to purchase and you can't get a permit to purchase until all of these rules and systems are put in place," said Amy Patrick, the policy director of Oregon Hunters Association, who was against the new measure. "Oregon State Police, in their financial input to the measure, stated they don't see permits being offered until 2024."

Regardless, there are reports that the Oregon State Police, who will be responsible for permitting and coming up with classroom instructions, will almost certainly ask for an extension before the measure can be put into place.

As of this writing, at least three Oregon Sheriffs departments have announced that they will not enforce portions of the new law.

In a Facebook [post](#), Linn County Sheriff Michelle Duncan stated clearly that her department would not



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be enforcing the magazine limit.

“Unfortunately, we are seeing the passage of Ballot Measure 114, which creates a required permitting system in order to purchase firearms AND bans gun magazines capable of holding more than 10 rounds. This is a terrible law for gun owners, crime victims, and public safety,” Duncan wrote.

“I want to send a clear message to Linn County residents that the Linn County Sheriff’s Office is NOT going to be enforcing magazine capacity limits,” Duncan stressed.

“This measure is poorly written and there is still a lot that needs to be sorted out regarding the permitting process, who has to do the training and what exactly does the training have to cover,” Duncan said.

Union County Sheriff Cody Bowen and Sherman County Sheriff Brad Lohrey have indicated that they will not enforce the new law.

“I agree 100% with Sheriff Duncan,” Bowen said. “This is an infringement on our constitutional rights and will not be enforced by my office!”

“Per [the sheriff’s] direction our office would not enforce Measure 114,” Undersheriff James Burgett of Sherman County told Willamette Week on Friday.

What these sheriffs are doing is an example of nullification, whereby officials refuse to enforce unconstitutional federal, or, in this case, state laws. Oregon’s new law is a clear violation of the Second Amendment’s prohibition on any government infringement on the people’s right to keep and bear arms. Our Founding Fathers were supportive of nullification as a check on government overreach; Jefferson called it a “rightful remedy” against usurpation of powers, and Madison believed that state and local officials were “duty bound” to interpose to “arrest the progress” of unconstitutional actions.

In addition to nullification by local law-enforcement officials, the court system seems to be a place to fight against this leftist infringement on the Second Amendment. [Recall](#) that in June, the U.S. Supreme Court overturned a New York anti-gun law that required a license to carry concealed weapons in public places. While not exactly the same as the new Oregon law, the decision clearly outlined that the current court is inclined to tread lightly where the Second Amendment is concerned.

Duncan was hopeful that the passing of the measure would result in immediate legal challenges, and she may indeed get what she wants in that regard. Lawyers for the Oregon Firearms Federation, the Second Amendment Foundation, and several other Second Amendment groups are said to be ready to challenge the constitutionality of the new measure.

“The first draft of our complaint has been written. We’re still adding plaintiffs to the suit, and we’ll be ready to pounce,” said Alan Gottlieb of the Bellevue, Washington-based Second Amendment Foundation.

Opponents of the new legislation are said to be pushing for a temporary restraining order and preliminary injunction from instituting the new law until it can be assured that it meets constitutional muster.



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