

Measure 114, Changes to Firearms Ownership and Purchase Requirements

Official Title: Requires permit to acquire firearms; police maintain permit/firearm database; criminally prohibits certain magazines; exceptions.

Initiative: This measure is a statutory initiative placed on the ballot by initiative petition with 131,671 valid signatures. Walter John Knutson III, Michael Z. Cahana and Marilyn Keller are the chief petitioners.

Financial Impact: The intent of the measure is for permit revenues to cover administrative costs. Although cost estimates were submitted by state and local governments, the Oregon Financial Estimate Committee stated there was uncertainty as to the projected number of permit applications, revenue from those applications, and related administrative costs. The committee therefore concluded that the financial impact for state and local governments is indeterminate.

Probable Results of a "Yes" Vote: Passage of the measure would change current firearm laws by requiring a permit to purchase a firearm. The permit, issued by local law enforcement and renewable every five years, would be issued after the applicant passes a background check, completes an approved live-fire safety course, and pays a fee to cover fingerprints and background check processing. Denial of a permit may occur if the applicant is deemed a danger to self or others. Manufacture, sale, use, or possession of large-capacity magazines holding more than 10 rounds would become a Class A misdemeanor, with some exceptions for current owners/inheritors, law enforcement and armed services personnel.

Probable Results of a "No" Vote: Existing laws would remain in effect, including requiring a seller/transferor to request a background check before firearm purchase. Current law states that transfer of the firearm may occur after three days if the background check is not completed.

Estimate of Racial/Ethnic Impact: The Oregon Criminal Justice Commission (CJC) received a written request from a legislator from each major party to prepare a racial and ethnic impact statement for this measure. The purpose of the statement, in accordance with ORS 137.685, is to describe the effects of the measure on the criminal offender population. Measure 114 modifies four Oregon firearms statutes that impose criminal penalties. However, due to a lack of relevant data, the CJC concluded it is not possible to provide accurate estimates for the racial/ethnic impacts of this measure.

Background: Since 2020 the Oregon State Police has reported a sharp increase in the number of background checks on prospective gun buyers in Oregon. This increase in gun ownership has been accompanied by a spike in overall gun violence, including homicide, violent crime, attempted suicide, suicide and unintentional death and injury. Seventy-seven percent of Oregon's gun deaths since 2020 have been suicides, 23 percentage points higher than the national average.

Several high-profile mass shootings in Oregon have contributed to a greater concern about gun violence: Thurston High School (1998), Clackamas Town Center (2012), Reynolds High School (2014) and Umpqua Community College (2015). In recent years the Legislature has responded to calls for stricter gun laws by enacting a background check requirement for gun transfers (2015), a "red flag" law allowing the removal of firearms from those who pose a risk to themselves or others (2017), a law allowing firearms to be removed from dating partners in domestic abuse cases, and a law that requires safe storage of firearms and gives certain jurisdictions the ability to ban firearms (2021).

During the past three years, Portland has experienced a dramatic increase in gun violence. The Portland Police Bureau reports that 788 shooting incidents occurred in the city in 2022, compared to 233 in 2019. In January 2022, the Bureau created a Focused Intervention Team to assist with gun violence prevention, intervention and response. In July 2022, Mayor Ted Wheeler declared a gun violence emergency to bring together the work of various agencies and to direct \$2.4 million to community groups and prevention efforts. The chief petitioners of Measure 114 are members of Lift Every Voice Oregon, a faith-based organization founded in 2019 with the aim of reducing gun violence in Oregon.

The Proposal: Measure 114 would enact a law to require individuals to have a permit, issued by local law enforcement, to obtain a firearm from a gun dealer, private individual or at a gun show. Applicants would need to pay a fee of \$65 (\$50 for renewal), submit a photo ID, be fingerprinted, pass a criminal background check and not be prohibited from possessing firearms due to medical or domestic violence issues. Applicants also need to complete an approved safety course, taught by a certified instructor, that includes a review of relevant firearms laws, safe firearm storage and accident prevention and a hands-on demonstration of basic firearms handling and firing.

A permit would be issued within 30 days and be valid for 5 years. An individual would present this permit when purchasing a firearm. Law enforcement would be able to deny a permit to an applicant believed to be a danger to self or others.

Magazines over 10 rounds, or readily modifiable to exceed 10 rounds, would be prohibited, with some exceptions for current owners/inheritors, law enforcement and armed services personnel. Violations would be Class A misdemeanors. The State Police would be responsible for maintaining the permit/firearm database.

Supporters Say:

- Rev. Mark Knutson, chief petitioner and pastor at Augustana Lutheran Church in Portland: "I hope it shows how residents in a state can come together from many directions and address the public health crisis of gun violence with common sense and well-put-together legislation. I hope that people are inspired to say: We can do this."
- From the measure's preamble: "Studies have shown that permits-to-purchase reduce firearm-related injuries and death, and studies have further shown that firearm ownership or access to firearms triples the risk of suicide and doubles the risk of homicide when compared to someone who does not have access."
- From the measure's preamble: "Restrictions on high-capacity magazines during the 10-year federal ban from 1994-2004 and the ban in over 9 states and the District of Columbia have been found to reduce the number of fatalities and injuries in shooting incidents"

Opponents Say:

- National Rifle Association-Institute for Legislative Action: Measure 114 "is yet another anti-gun ballot initiative that seeks to further erode Second Amendment rights in Oregon. It imposes a permit requirement in order to exercise the Second Amendment right to acquire a firearm ...The permit application process includes a one-size-fits-all training mandate, a subjective mental health review that is ripe for abuse, submission of fingerprints, and payment of a fee - up to \$65 to apply, and up to \$50 to renew. Issuing authorities have up to 30 days to issue permits to qualified applicants and they must be renewed every five years. Meanwhile, criminals will continue obtaining their firearms illegally."
- Matt Dapkus: "There's no question that the passage of IP 17 will have the greatest impact on low-income communities of all ages, ethnicities, and abilities. The reality is that the licensing requirements will essentially end firearm sales in Oregon, at least temporarily, which leaves vulnerable populations unable to secure proper defensive tools for their homes and persons at a time when crime, including violent crime, has and is skyrocketing in Oregon."
- Kevin Starrett, Executive Director of Oregon Firearms Federation: "Numerous police departments and sheriff's offices have agreed that complying with this measure will either be exorbitantly expensive or impossible. 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."