

# House Bill 3836

Sponsored by Representative YUNKER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that the Department of State Police no longer does NICS checks for gun dealer firearm transfers. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 78.8).

Removes the Department of State Police as the designated state point of contact for purposes of the National Instant Criminal Background Check System. Directs gun dealers to obtain authorization to transfer firearms directly from the system.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to firearm transfers; creating new provisions; amending ORS 166.256, 166.259, 166.412,  
3 166.414, 166.422, 166.432, 166.435, 166.436, 166.460 and 166.503 and section 1, chapter 50, Oregon  
4 Laws 2015; repealing ORS 166.434; and prescribing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 166.412 is amended to read:

7 166.412. (1) As used in this section:

8 (a) "Antique firearm" has the meaning given that term in 18 U.S.C. 921;

9 (b) "Department" means the Department of State Police;

10 (c) "Firearm" has the meaning given that term in ORS 166.210, except that it does not include  
11 an antique firearm;

12 (d) "Firearms transaction record" means the firearms transaction record required by 18 U.S.C.  
13 921 to 929;

14 [(e) "*Firearms transaction thumbprint form*" means a form provided by the department under sub-  
15 section (11) of this section;]

16 [(f)] (e) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of  
17 selling, leasing or otherwise transferring a firearm, whether the person is a retail dealer,  
18 pawnbroker or otherwise;

19 [(g)] (f) "Purchaser" means a person who buys, leases or otherwise receives a firearm or unfin-  
20 ished frame or receiver from a gun dealer; [and]

21 (g) "**System**" means the **National Instant Criminal Background Check System established**  
22 **under 34 U.S.C. 40901; and**

23 (h) "Unfinished frame or receiver" has the meaning given that term in ORS 166.210.

24 (2) Except as provided in subsection [(12)] (7) of this section, a gun dealer shall comply with the  
25 following before a firearm or unfinished frame or receiver is delivered to a purchaser:

26 (a) The purchaser shall present to the gun dealer current identification meeting the require-  
27 ments of subsection (4) of this section and a valid permit issued under ORS 166.505.

28 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 the purchaser on the record.

2 *[(c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction*  
 3 *thumbprint form and attach the form to the gun dealer's copy of the firearms transaction record to be*  
 4 *filed with that copy.]*

5 *[(d)]* (c) The gun dealer shall, by telephone or computer, verify **with the department** that the  
 6 purchaser has a valid permit-to-purchase a firearm issued under ORS 166.505[, and].

7 **(d) The gun dealer shall** request that the *[department]* **system** conduct a criminal history re-  
 8 cord check on the purchaser and shall provide the following information to the *[department]*  
 9 **system**:

10 (A) The federal firearms license number of the gun dealer;

11 (B) The business name of the gun dealer;

12 (C) The place of transfer;

13 (D) The name of the person making the transfer;

14 (E) The make, model, caliber and manufacturer's number of the firearm being transferred or a  
 15 description of the unfinished frame or receiver being transferred;

16 (F) The name and date of birth of the purchaser;

17 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this  
 18 number to the gun dealer; and

19 (H) The type, issuer and identification number of the identification presented by the purchaser.

20 (e) The gun dealer shall receive a *[unique approval]* **transaction** number for the transfer from  
 21 the *[department]* **system** and record the *[approval]* number on the firearms transaction record *[and*  
 22 *on the firearms transaction thumbprint form].*

23 *[(f) The gun dealer may destroy the firearms transaction thumbprint form five years after the*  
 24 *completion of the firearms transaction thumbprint form.]*

25 *[(3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the depart-*  
 26 *ment shall immediately, during the gun dealer's telephone call or by return call:]*

27 *[(A) Determine, from criminal records and other information available to it, whether the purchaser*  
 28 *is disqualified under ORS 166.470 from completing the purchase; and]*

29 *[(B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or provide*  
 30 *the gun dealer with a unique approval number indicating that the purchaser is qualified to complete*  
 31 *the transfer.]*

32 *[(b) If the department is unable to determine if the purchaser is qualified or disqualified from*  
 33 *completing the transfer within 30 minutes, the department shall notify the gun dealer and provide the*  
 34 *gun dealer with an estimate of the time when the department will provide the requested information.]*

35 *[(c)]* (3) The dealer may not transfer the firearm or unfinished frame or receiver unless the  
 36 dealer receives a *[unique approval number]* **proceed response** from the *[department]* **system** and,  
 37 within 48 hours of completing the transfer, the dealer shall notify the state that the transfer to the  
 38 permit holder was completed.

39 (4)(a) Identification required of the purchaser under subsection (2) of this section shall include  
 40 one piece of current identification bearing a photograph and the date of birth of the purchaser that:

41 (A) Is issued under the authority of the United States Government, a state, a political subdivi-  
 42 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-  
 43 tional governmental organization or an international quasi-governmental organization; and

44 (B) Is intended to be used for identification of an individual or is commonly accepted for the  
 45 purpose of identification of an individual.

1 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does  
2 not include the current address of the purchaser, the purchaser shall present a second piece of  
3 current identification that contains the current address of the purchaser. *[The Superintendent of*  
4 *State Police may specify by rule the type of identification that may be presented under this*  
5 *paragraph.]*

6 *[(c) The department may require that the gun dealer verify the identification of the purchaser if that*  
7 *identity is in question by sending the thumbprints of the purchaser to the department.]*

8 *[(5) The department shall establish a telephone number that shall be operational seven days a week*  
9 *between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun dealers*  
10 *for a criminal history record check under this section.]*

11 *[(6) No public employee, official or agency shall be held criminally or civilly liable for performing*  
12 *the investigations required by this section provided the employee, official or agency acts in good faith*  
13 *and without malice.]*

14 *[(7)(a) The department may retain a record of the information obtained during a request for a*  
15 *criminal history record check for no more than five years, except for the information provided to the*  
16 *dealer under subsection (2)(d) of this section, sufficient to reflect each firearm or unfinished frame or*  
17 *receiver purchased by a permit holder, which must be attached to the electronic record of the permit*  
18 *stored by the department. The department may develop a system for removal of the information in*  
19 *subsection (2)(d)(E) of this section, upon proof of sale or transfer of the firearm or unfinished frame*  
20 *or receiver to another permit holder and for recording of the information to reflect the transfer of*  
21 *ownership to the permit of the new owner.]*

22 *[(b) The record of the information obtained during a request for a criminal history record check*  
23 *by a gun dealer is exempt from disclosure under public records law.]*

24 *[(c) If the department determines that a purchaser is prohibited from possessing a firearm under*  
25 *ORS 166.250 (1)(c), the department shall report the attempted transfer, the purchaser's name and any*  
26 *other personally identifiable information to all federal, state and local law enforcement agencies and*  
27 *district attorneys that have jurisdiction over the location or locations where the attempted transfer was*  
28 *made and where the purchaser resides.]*

29 *[(d) If the department determines that, based on the judgment of conviction, the purchaser is pro-*  
30 *hibited from possessing a firearm as a condition of probation or that the purchaser is currently on*  
31 *post-prison supervision or parole, the department shall report the attempted transfer to the purchaser's*  
32 *supervising officer and the district attorney of the county in which the conviction occurred.]*

33 *[(e) If the department determines that the purchaser is prohibited from possessing a firearm due to*  
34 *a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer to the*  
35 *court that issued the order.]*

36 *[(f) If the department determines that the purchaser is under the jurisdiction of the Psychiatric*  
37 *Security Review Board, the department shall report the attempted transfer to the board.]*

38 *[(g) Reports required by paragraphs (c) to (f) of this subsection shall be made within 24 hours after*  
39 *the determination is made, unless a report would compromise an ongoing investigation, in which case*  
40 *the report may be delayed as long as necessary to avoid compromising the investigation.]*

41 *[(h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's*  
42 *office that received a report pursuant to paragraph (c) of this subsection during the previous calendar*  
43 *year shall inform the department of any action that was taken concerning the report and the outcome*  
44 *of the action.]*

45 *[(i) The department shall annually publish a written report, based on any information received*

1 *under paragraph (h) of this subsection, detailing the following information for the previous year:]*

2 *[(A) The number of purchasers whom the department determined were prohibited from possessing*  
 3 *a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;]*

4 *[(B) The number of reports made pursuant to paragraph (c) of this subsection;]*

5 *[(C) The number of investigations arising from the reports made pursuant to paragraph (c) of this*  
 6 *subsection, the number of investigations concluded and the number of investigations referred for pros-*  
 7 *ecution, all arranged by category of prohibition; and]*

8 *[(D) The number of criminal charges arising from the reports made pursuant to paragraph (c) of*  
 9 *this subsection and the disposition of the charges, both arranged by category of prohibition.]*

10 [(8)] (5) A law enforcement agency may inspect the records of a gun dealer relating to transfers  
 11 of firearms and unfinished frames or receivers with the consent of a gun dealer in the course of a  
 12 reasonable inquiry during a criminal investigation or under the authority of a properly authorized  
 13 subpoena or search warrant.

14 [(9)] (6) When a firearm is delivered, it shall be unloaded.

15 [(10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State  
 16 Police may adopt rules necessary for:]

17 [(a) The design of the firearms transaction thumbprint form;]

18 [(b) The maintenance of a procedure to correct errors in the criminal records of the department;]

19 [(c) The provision of a security system to identify gun dealers that request a criminal history record  
 20 check under subsection (2) of this section; and]

21 [(d) The creation and maintenance of a database of the business hours of gun dealers.]

22 [(11) The department shall publish the firearms transaction thumbprint form and shall furnish the  
 23 form to gun dealers on application at cost.]

24 [(12)] (7) This section does not apply to transactions between persons licensed as dealers under  
 25 18 U.S.C. 923.

26 [(13)(a)] (8)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request  
 27 a criminal background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee  
 28 for providing the service.

29 (b) A gun dealer that requests a criminal background check under this subsection is immune  
 30 from civil liability for any use of the firearm or unfinished frame or receiver by the recipient or  
 31 transferee, provided that the gun dealer requests the criminal background check as described in this  
 32 section, and also provided that the dealer verifies that the recipient has a valid permit-to-purchase  
 33 the firearm or unfinished frame or receiver and the dealer has received a [unique approval number]  
 34 **proceed response** from the [department] **system** indicating successful completion of the background  
 35 check.

36 [(14)] (9) Knowingly selling or delivering a firearm or unfinished frame or receiver to a pur-  
 37 chaser or transferee who does not have a valid permit-to-purchase a firearm in violation of sub-  
 38 section [(2)(d)] (2)(c) of this section, or prior to receiving a [unique approval number] **proceed**  
 39 **response** from the [department] **system** based on the criminal background check in violation of  
 40 subsection [(3)(c)] (3) of this section, is a Class A misdemeanor.

41 **SECTION 2.** ORS 166.435 is amended to read:

42 166.435. (1) As used in this section:

43 (a) **“System” means the National Instant Criminal Background Check System established**  
 44 **under 34 U.S.C. 40901.**

45 [(a)] (b) **“Transfer”** means the delivery of a firearm from a transferor to a transferee, including,

1 but not limited to, the sale, gift, loan or lease of the firearm. “Transfer” does not include the tem-  
 2 porary provision of a firearm to a transferee if the transferor has no reason to believe the transferee  
 3 is prohibited from possessing a firearm or intends to use the firearm in the commission of a crime,  
 4 and the provision occurs:

5 (A) At a shooting range, shooting gallery or other area designed for the purpose of target  
 6 shooting, for use during target practice, a firearms safety or training course or class or a similar  
 7 lawful activity;

8 (B) For the purpose of hunting, trapping or target shooting, during the time in which the  
 9 transferee is engaged in activities related to hunting, trapping or target shooting;

10 (C) Under circumstances in which the transferee and the firearm are in the presence of the  
 11 transferor;

12 (D) To a transferee who is in the business of repairing firearms, for the time during which the  
 13 firearm is being repaired;

14 (E) To a transferee who is in the business of making or repairing custom accessories for  
 15 firearms, for the time during which the accessories are being made or repaired; or

16 (F) For the purpose of preventing imminent death or serious physical injury, and the provision  
 17 lasts only as long as is necessary to prevent the death or serious physical injury.

18 [(b)] (c) “Transferee” means a person who is not a gun dealer or licensed as a manufacturer or  
 19 importer under 18 U.S.C. 923 and who intends to receive a firearm from a transferor.

20 [(c)] (d) “Transferor” means a person who is not a gun dealer or licensed as a manufacturer or  
 21 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

22 (2) Except as provided in ORS 166.436 and 166.438 and subsection (4) of this section, a transferor  
 23 may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as  
 24 described in subsection (3) of this section.

25 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except  
 26 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the  
 27 transferee must appear in person before a gun dealer, with the firearm and a valid permit-to-  
 28 purchase issued to the transferee under ORS 166.505, and request that the gun dealer perform a  
 29 criminal background check on the transferee.

30 (b) If the transferor and the transferee reside over 40 miles from each other, the transferor may  
 31 ship or deliver the firearm to a gun dealer located near the transferee or a gun dealer designated  
 32 by the transferee, and the transferor need not appear before the gun dealer in person.

33 (c) A gun dealer who agrees to complete a transfer of a firearm under this section shall request  
 34 a criminal history record check on the transferee as described in ORS 166.412 and shall comply with  
 35 all requirements of federal law.

36 (d) If, upon completion of a criminal background check, the gun dealer:

37 (A) Receives a [unique approval number] **proceed response** from the [Department of State  
 38 Police] **system** indicating that the transferee is qualified to complete the transfer, the gun dealer  
 39 shall notify the transferor, enter the firearm into the gun dealer’s inventory and transfer the firearm  
 40 to the transferee.

41 (B) Receives notification that the transferee is prohibited by state or federal law from possessing  
 42 or receiving the firearm or that the [department] **system** is unable to determine if the transferee is  
 43 qualified or disqualified from completing the transfer, the gun dealer shall notify the transferor and  
 44 neither the transferor nor the gun dealer shall transfer the firearm to the transferee. If the  
 45 transferor shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this sub-

1 section, the gun dealer shall comply with federal law when returning the firearm to the transferor.

2 (e) A gun dealer may charge a reasonable fee for facilitating a firearm transfer pursuant to this  
3 section.

4 (4) The requirements of subsections (2) and (3) of this section do not apply to:

5 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement  
6 officer, private security professional or member of the Armed Forces of the United States, while that  
7 person is acting within the scope of official duties.

8 (b) The transfer of a firearm as part of a firearm turn-in or buyback event, in which a law  
9 enforcement agency receives or purchases firearms from members of the public.

10 (c) The transfer of a firearm to:

11 (A) A transferor's spouse or domestic partner;

12 (B) A transferor's parent or stepparent;

13 (C) A transferor's child or stepchild;

14 (D) A transferor's sibling;

15 (E) A transferor's grandparent;

16 (F) A transferor's grandchild;

17 (G) A transferor's aunt or uncle;

18 (H) A transferor's first cousin;

19 (I) A transferor's niece or nephew; or

20 (J) The spouse or domestic partner of a person specified in subparagraphs (B) to (I) of this par-  
21 agraph.

22 (d) The transfer of a firearm that occurs because of the death of the firearm owner, provided  
23 that:

24 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
25 111.005, or a trustee of a trust created in a will; and

26 (B) The transferee is related to the deceased firearm owner in a manner specified in paragraph  
27 (c) of this subsection.

28 (5)(a) A transferor who fails to comply with the requirements of this section commits a Class  
29 A misdemeanor.

30 (b) Notwithstanding paragraph (a) of this subsection, a transferor who fails to comply with the  
31 requirements of this section commits a Class B felony if the transferor has a previous conviction  
32 under this section at the time of the offense.

33 **SECTION 3.** ORS 166.436 is amended to read:

34 166.436. [(1) *The Department of State Police shall make the telephone number established under*  
35 *ORS 166.412 (5) available for requests for criminal background checks under this section from persons*  
36 *who are not gun dealers and who are transferring firearms at gun shows.*]

37 **(1) The Department of State Police shall establish a telephone number that is operational**  
38 **seven days a week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to**  
39 **inquiries from persons other than gun dealers for a criminal background check under this**  
40 **section. The department is not required to operate the telephone number on Thanksgiving**  
41 **Day and Christmas Day.**

42 (2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by  
43 telephone verify that the transferee has a valid permit-to-purchase a firearm under ORS 166.505, and  
44 request that the department conduct a criminal background check on the recipient upon providing  
45 the following information to the department:

- 1 (a) The name, address and telephone number of the transferor;
- 2 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;
- 3 (c) The name, date of birth, race, sex and address of the recipient;
- 4 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;
- 5 (e) The address of the place where the transfer is occurring; and
- 6 (f) The type, issuer and identification number of a current piece of identification bearing a re-
- 7 cent photograph of the recipient presented by the recipient. The identification presented by the re-
- 8 cipient must meet the requirements of ORS 166.412 (4)(a).
- 9 (3)(a) Upon receipt of a request for a criminal background check under this section, the de-
- 10 partment shall immediately, during the telephone call or by return call:
- 11 (A) Determine from criminal records and other information available to it whether the recipient
- 12 is disqualified under ORS 166.470 from completing the transfer or is otherwise prohibited by state
- 13 or federal law from possessing a firearm; and
- 14 (B) Notify the transferor when a recipient is disqualified from completing the transfer or provide
- 15 the transferor with a unique approval number indicating that the recipient is qualified to complete
- 16 the transfer. The unique approval number is a permit valid for 24 hours for the requested transfer.
- 17 If the firearm is not transferred from the transferor to the recipient within 24 hours after receipt
- 18 of the unique approval number, a new request must be made by the transferor.
- 19 (b) If the department is unable to determine whether the recipient is qualified for or disqualified
- 20 from completing the transfer within 30 minutes of receiving the request, the department shall notify
- 21 the transferor and provide the transferor with an estimate of the time when the department will
- 22 provide the requested information.
- 23 (c) The transferor may not transfer the firearm unless the transferor receives a unique approval
- 24 number from the department and, within 48 hours of the completed transfer, the transferor shall
- 25 notify the state that the transfer to the permit holder was completed.
- 26 (4) A public employee or public agency incurs no criminal or civil liability for performing the
- 27 criminal background checks required by this section, provided the employee or agency acts in good
- 28 faith and without malice.
- 29 (5)(a) The department may retain a record of the information obtained during a request for a
- 30 criminal background check under this section for *[the period of time provided in ORS 166.412 (7), as*
- 31 *amended by section 6, chapter 1, Oregon Laws 2023]* **no more than five years.**
- 32 (b) The record of the information obtained during a request for a criminal background check
- 33 under this section is exempt from disclosure under public records law.
- 34 (c) If the department determines that a recipient is prohibited from possessing a firearm under
- 35 ORS 166.250 (1)(c), the department shall report the attempted transfer, the recipient's name and any
- 36 other personally identifiable information to all federal, state and local law enforcement agencies and
- 37 district attorneys that have jurisdiction over the location or locations where the attempted transfer
- 38 was made and where the recipient resides.
- 39 (d) If the department determines that, based on the judgment of conviction, the recipient is
- 40 prohibited from possessing a firearm as a condition of probation or that the recipient is currently
- 41 on post-prison supervision or parole, the department shall report the attempted transfer to the
- 42 recipient's supervising officer and the district attorney of the county in which the conviction oc-
- 43 curred.
- 44 (e) If the department determines that the recipient is prohibited from possessing a firearm due
- 45 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer

1 to the court that issued the order.

2 (f) If the department determines that the recipient is under the jurisdiction of the Psychiatric  
3 Security Review Board, the department shall report the attempted transfer to the board.

4 (g) Reports required by paragraphs (c) to (f) of this subsection shall be made within 24 hours  
5 after the determination is made, unless a report would compromise an ongoing investigation, in  
6 which case the report may be delayed as long as necessary to avoid compromising the investigation.

7 (h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's  
8 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-  
9 endar year shall inform the department of any action that was taken concerning the report and the  
10 outcome of the action.

11 (i) The department shall annually publish a written report, based on any information received  
12 under paragraph (h) of this subsection, detailing the following information for the previous year:

13 (A) The number of recipients whom the department determined were prohibited from possessing  
14 a firearm under ORS 166.250 (1)(c), arranged by category of prohibition;

15 (B) The number of reports made pursuant to paragraph (c) of this subsection;

16 (C) The number of investigations arising from the reports made pursuant to paragraph (c) of this  
17 subsection, the number of investigations concluded and the number of investigations referred for  
18 prosecution, all arranged by category of prohibition; and

19 (D) The number of criminal charges arising from the reports made pursuant to paragraph (c) of  
20 this subsection and the disposition of the charges, both arranged by category of prohibition.

21 (6) The recipient of the firearm must be present when the transferor requests a criminal back-  
22 ground check under this section.

23 (7)(a) Except as otherwise provided in paragraph (b) of this subsection, a transferor who receives  
24 notification under this section that the recipient is qualified to complete the transfer of a firearm,  
25 has the recipient fill out the form required by ORS 166.438 (1)(a) and retains the form as required  
26 by ORS 166.438 (2) is immune from civil liability for any use of the firearm from the time of the  
27 transfer unless the transferor knows, or reasonably should know, that the recipient is likely to  
28 commit an unlawful act involving the firearm.

29 (b) The immunity provided by paragraph (a) of this subsection does not apply:

30 (A) If the transferor knows, or reasonably should know, that the recipient of the firearm intends  
31 to deliver the firearm to a third person who the transferor knows, or reasonably should know, may  
32 not lawfully possess the firearm; or

33 (B) In any product liability civil action under ORS 30.900 to 30.920.

34 **SECTION 4.** ORS 166.414 is amended to read:

35 166.414. (1) The Department of State Police may adopt a fee schedule for criminal history record  
36 checks [required under ORS 166.412] **described in ORS 166.436** and collect a fee for each criminal  
37 history record check requested. The fee schedule shall be calculated to recover the cost of per-  
38 forming criminal history record checks [required under ORS 166.412], but may not exceed \$10 per  
39 record check.

40 **(2) The department shall establish a reduced fee for subsequent criminal background**  
41 **checks on the same recipient that are performed during the same day between the hours of**  
42 **8 a.m. and 10 p.m.**

43 [(2)] (3) Fees collected under this section shall be paid into the State Treasury and deposited in  
44 the General Fund to the credit of the State Police Account.

45 **SECTION 5.** ORS 166.256 is amended to read:



1 166.256. (1)(a) When a respondent becomes subject to an order described in ORS 166.255 (1)(a)  
 2 prohibiting the respondent from possessing firearms or ammunition, the court shall:

3 (A) Indicate in the order that the respondent is prohibited from possessing firearms and ammu-  
 4 nition under ORS 166.250 and 166.255 while the order is in effect.

5 (B) Ensure that the respondent is subject to an additional order:

6 (i) Requiring the respondent to transfer all firearms and ammunition in the respondent's pos-  
 7 session in accordance with subsection (2) of this section; and

8 (ii) Requiring the respondent to file a declaration as described in subsection (4) of this section.

9 (b) If the respondent becomes subject to the order while the respondent is present in court, the  
 10 court shall:

11 (A) Inform the respondent, orally and in writing, that the respondent is prohibited from pos-  
 12 sessed firearms and ammunition;

13 (B) Order in writing that the respondent transfer all firearms and ammunition in the  
 14 respondent's possession in accordance with subsection (2) of this section; and

15 (C) Order that the respondent file a declaration as described in subsection (4) of this section.

16 (2)(a) Within 24 hours of becoming subject to the court order under subsection (1)(a)(B) of this  
 17 section or receiving the court order under subsection (1)(b)(B) of this section, the respondent shall  
 18 transfer all firearms and ammunition in the respondent's possession to a local law enforcement  
 19 agency, to a gun dealer as defined in ORS 166.412 or to a third party who does not reside with the  
 20 respondent, and shall obtain a proof of transfer under paragraph (b) of this subsection. A transfer  
 21 to a third party under this subsection must be in accordance with ORS 166.435, except that the  
 22 criminal background check exceptions in ORS 166.435 (4) do not apply.

23 (b) A law enforcement agency, gun dealer or third party receiving a firearm or ammunition  
 24 pursuant to this subsection shall issue to the respondent a written proof of transfer. The proof of  
 25 transfer must include the respondent's name, the date of transfer and the serial number, make and  
 26 model of each transferred firearm. A proof of transfer issued by a third party must also include the  
 27 *[unique approval number from the Department of State Police]* **transaction number and documen-**  
 28 **tation of the proceed response** from the criminal background check conducted **through the Na-**  
 29 **tional Instant Criminal Background Check System** under ORS 166.435.

30 (c) A respondent transferring a firearm or ammunition to a third party under this subsection  
 31 shall additionally obtain from the third party a declaration under penalty of perjury confirming re-  
 32 ceipt of the firearm or ammunition and attesting that:

33 (A) The third party understands that the respondent is prohibited from possessing firearms and  
 34 ammunition; and

35 (B) The third party is subject to criminal penalties if the third party allows the respondent ac-  
 36 cess to the firearm or ammunition during the prohibition.

37 (3)(a) A law enforcement agency may accept a firearm or ammunition transferred under this  
 38 section.

39 (b) A gun dealer may purchase or may accept for storage a firearm or ammunition transferred  
 40 under this section.

41 (4)(a) Within two judicial days of becoming subject to the court order under subsection (1)(a)(B)  
 42 of this section or receiving the court order under subsection (1)(b)(B) of this section, the respondent  
 43 shall file with the court a declaration under penalty of perjury attesting that:

44 (A) All firearms and ammunition in the respondent's possession have been transferred under  
 45 subsection (2) of this section to:

1 (i) A law enforcement agency;

2 (ii) A gun dealer; or

3 (iii) A third party;

4 (B) The respondent was not in possession of any firearms at the time of the court's order and  
5 continues to not possess any firearms; or

6 (C) The respondent is asserting the respondent's constitutional right against self-incrimination.

7 (b) The respondent shall file with the declaration a copy of the proof of transfer, if applicable,  
8 and a copy of the third party declaration, if applicable.

9 (5) The respondent shall concurrently file with the district attorney copies of the declaration,  
10 proof of transfer and third party declaration filed with the court under subsection (4) of this section.

11 (6) A respondent in possession of a firearm or ammunition in violation of ORS 166.255 (1)(a) may  
12 not be prosecuted under ORS 166.250 if:

13 (a) The respondent is in possession of a court order described in subsection (1)(a)(B) or (1)(b)(B)  
14 of this section that went into effect or was issued within the previous 24 hours;

15 (b) The firearm is unloaded; and

16 (c) The respondent is transporting the firearm or ammunition to a law enforcement agency, gun  
17 dealer or third party for transfer in accordance with subsection (2) of this section.

18 (7) Upon the expiration or termination of the order described in ORS 166.255 (1)(a), at the re-  
19 quest of the respondent:

20 (a) A law enforcement agency shall return any stored firearms and ammunition to the respond-  
21 ent in accordance with ORS 166.257.

22 (b) A gun dealer shall return any stored firearms and ammunition to the respondent after per-  
23 forming a criminal background check as defined in ORS 166.432 to confirm that the respondent is  
24 not prohibited from possessing a firearm or ammunition under state or federal law.

25 (c) A third party shall return any stored firearms and ammunition to the respondent only after  
26 requesting a criminal background check in accordance with ORS 166.435, except that the criminal  
27 background check exceptions in ORS 166.435 (4) do not apply.

28 (8) If the respondent does not file a declaration described in subsection (4) of this section, the  
29 district attorney may commence contempt proceedings under ORS 33.015 to 33.155.

30 **SECTION 6.** ORS 166.259 is amended to read:

31 166.259. (1) When a person is convicted of an offense described in ORS 166.255 (1)(b) or (c), the  
32 court shall, at the time of conviction:

33 (a) Indicate in the judgment of conviction that the person is prohibited from possessing firearms  
34 and ammunition under ORS 166.250 and 166.255;

35 (b) Inform the person, orally and in writing, that the person is prohibited from possessing  
36 firearms and ammunition;

37 (c) Order in writing that the person transfer all firearms and ammunition in the person's pos-  
38 session in accordance with subsection (2) of this section; and

39 (d) Order that the person file a declaration as described in subsection (4) of this section.

40 (2)(a) Within 24 hours of the court's order under subsection (1) of this section, the person shall  
41 transfer all firearms and ammunition in the person's possession to a local law enforcement agency,  
42 to a gun dealer as defined in ORS 166.412 or to a third party who does not reside with the person,  
43 and shall obtain a proof of transfer under paragraph (b) of this subsection. A transfer to a third  
44 party under this subsection must be in accordance with ORS 166.435, except that the criminal  
45 background check exceptions in ORS 166.435 (4) do not apply.

1 (b) A law enforcement agency, gun dealer or third party receiving a firearm or ammunition  
 2 pursuant to this subsection shall issue to the person a written proof of transfer. The proof of  
 3 transfer must include the person's name, the date of transfer and the serial number, make and model  
 4 of each transferred firearm. A proof of transfer issued by a third party must also include the [*unique*  
 5 *approval number from the Department of State Police*] **transaction number and documentation of**  
 6 **the proceed response** from the criminal background check conducted **through the National In-**  
 7 **stant Criminal Background Check System** under ORS 166.435.

8 (c) A person transferring a firearm or ammunition to a third party under this subsection shall  
 9 additionally obtain from the third party a declaration under penalty of perjury confirming receipt  
 10 of the firearm or ammunition and attesting that:

11 (A) The third party understands that the person is prohibited from possessing firearms and am-  
 12 munition; and

13 (B) The third party is subject to criminal penalties if the third party allows the person access  
 14 to the firearm or ammunition during the prohibition.

15 (3)(a) A law enforcement agency may accept a firearm or ammunition transferred under this  
 16 section.

17 (b) A gun dealer may purchase or may accept for storage a firearm or ammunition transferred  
 18 under this section.

19 (4)(a) Within two judicial days of the court's order under subsection (1) of this section, the per-  
 20 son shall file with the court a declaration under penalty of perjury attesting that:

21 (A) All firearms and ammunition in the person's possession have been transferred under sub-  
 22 section (2) of this section to:

- 23 (i) A law enforcement agency;
- 24 (ii) A gun dealer; or
- 25 (iii) A third party;

26 (B) The person was not in possession of any firearms at the time of the court's order and con-  
 27 tinues to not possess any firearms; or

28 (C) The person is asserting the person's constitutional right against self-incrimination.

29 (b) The person shall file with the declaration a copy of the proof of transfer, if applicable, and  
 30 a copy of the third party declaration, if applicable.

31 (5) The person shall concurrently file with the district attorney copies of the declaration, proof  
 32 of transfer and third party declaration filed with the court under subsection (4) of this section.

33 (6) A person in possession of a firearm or ammunition in violation of ORS 166.255 (1)(b) or (c)  
 34 may not be prosecuted under ORS 166.250 if:

35 (a) The person is in possession of a court order described in subsection (1) of this section issued  
 36 within the previous 24 hours;

37 (b) The firearm is unloaded; and

38 (c) The person is transporting the firearm or ammunition to a law enforcement agency, gun  
 39 dealer or third party for transfer in accordance with subsection (2) of this section.

40 (7) If the person does not file the declaration required under subsection (4) of this section, the  
 41 district attorney may commence contempt proceedings under ORS 33.015 to 33.155.

42 **SECTION 7.** ORS 166.422 is amended to read:

43 166.422. Where appropriate, a person may enforce the legal duties imposed by ORS [*166.412 (7)(a)*  
 44 *or (b),*] **166.436 (5)** by the provisions of ORS 30.260 to 30.300 and ORS chapter 183.

45 **SECTION 8.** ORS 166.432 is amended to read:

1 166.432. (1) As used in ORS [166.412,] **166.414**, 166.433, [166.434, 166.435,] 166.436 and 166.438,  
 2 “criminal background check” or “criminal history record check” means determining the eligibility  
 3 of a person to purchase or possess a firearm by reviewing state and federal databases including, but  
 4 not limited to, the:

- 5 (a) Oregon computerized criminal history system;
- 6 (b) Oregon mental health data system;
- 7 (c) Law Enforcement Data System;
- 8 (d) National Instant Criminal Background Check System; and
- 9 (e) Stolen guns system.

10 (2) As used in ORS 166.433, 166.435, 166.436, 166.438 and 166.441:

- 11 (a) “Gun dealer” has the meaning given that term in ORS 166.412.
- 12 (b) “Gun show” means an event at which more than 25 firearms are on site and available for  
 13 transfer.

14 **SECTION 9.** ORS 166.460 is amended to read:

15 166.460. (1) ORS 166.250, 166.260, 166.291 to 166.295, 166.410, 166.412, 166.425, [166.434,] 166.438  
 16 and 166.450 do not apply to antique firearms.

17 (2) Notwithstanding the provisions of subsection (1) of this section, possession of an antique  
 18 firearm by a person described in ORS 166.250 (1)(c)(B) to (D) or (G) constitutes a violation of ORS  
 19 166.250.

20 **SECTION 10.** ORS 166.503 is amended to read:

21 166.503. As used in this section and ORS [166.412, 166.435, 166.436, 166.438,] 166.505 and 166.508:

22 (1) “Criminal background check” has the [same] meaning given [to this] **that** term in ORS  
 23 166.432 (1)(a) to (e).

24 (2) “Department” means the Department of State Police.

25 (3) “Gun dealer” means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,  
 26 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or  
 27 otherwise.

28 (4) “Permit” or “permit-to-purchase” means an authorization issued to a person to purchase or  
 29 acquire a firearm, provided all other requirements at the time of purchase or acquisition are met.

30 (5) “Permit agent” means a county sheriff or police chief with jurisdiction over the residence  
 31 of the person making an application for a permit-to-purchase, or their designees.

32 (6) “Transfer” has the meaning given that term in ORS 166.435 [(1)(a)].

33 (7) “Transferor” means a person who is not a gun dealer or licensed as a manufacturer or  
 34 importer under 18 U.S.C. 923 and who intends to deliver a firearm to a transferee.

35 **SECTION 11.** Section 1, chapter 50, Oregon Laws 2015, is amended to read:

36 **Sec. 1.** [Section 2 of this 2015 Act] **ORS 166.435** and the amendments to ORS 166.250, 166.291,  
 37 166.412, 166.422, 166.432, 166.433, [166.434,] 166.436, 166.438, 166.460, 166.470, 181.150, 181.740 and  
 38 426.133 by sections 3 to 19, **chapter 50, Oregon Laws 2015**, [of this 2015 Act] shall be known and  
 39 may be cited as the “Oregon Firearms Safety Act.”

40 **SECTION 12.** **ORS 166.434 is repealed.**

41 **SECTION 13.** (1) **The amendments to ORS 166.256, 166.259, 166.412, 166.414, 166.422,**  
 42 **166.432, 166.435, 166.436, 166.460 and 166.503 and section 1, chapter 50, Oregon Laws 2015, by**  
 43 **sections 1 to 11 of this 2025 Act and the repeal of ORS 166.434 by section 12 of this 2025 Act**  
 44 **become operative on January 1, 2026.**

45 (2) **The amendments to ORS 166.256, 166.259, 166.412, 166.414, 166.422, 166.432, 166.435,**

1 166.436, 166.460 and 166.503 and section 1, chapter 50, Oregon Laws 2015, by sections 1 to 11  
2 of this 2025 Act and the repeal of ORS 166.434 by section 12 of this 2025 Act apply to firearm  
3 transfers occurring on or after January 1, 2026.

4 (3) The Department of State Police and any gun dealer as defined in ORS 166.412 may  
5 take any action before the operative date specified in subsection (1) of this section that is  
6 necessary to enable those entities, on and after the operative date specified in subsection (1)  
7 of this section, to undertake and exercise all of the duties, functions and powers conferred  
8 on those entities by the amendments to ORS 166.256, 166.259, 166.412, 166.414, 166.422, 166.432,  
9 166.435, 166.436, 166.460 and 166.503 and section 1, chapter 50, Oregon Laws 2015, by sections  
10 1 to 11 of this 2025 Act and the repeal of ORS 166.434 by section 12 of this 2025 Act.

11 SECTION 14. This 2025 Act takes effect on the 91st day after the date on which the 2025  
12 regular session of the Eighty-third Legislative Assembly adjourns sine die.