

# House Bill 3445

Sponsored by Representative OWENS, Senator FINDLEY, Representatives LEVY B, BOICE, DIEHL; Representative MORGAN, Senators HANSELL, KNOPP

## 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**.

Authorizes county to adopt ordinance concerning Ballot Measure 114 (2022) providing that law enforcement agency with jurisdiction entirely within county is not required to act as firearm purchase permit agent, and permit is not required for transfer of firearm from transferor within county to county resident.

## A BILL FOR AN ACT

1  
2 Relating to firearm purchase permits; creating new provisions; and amending ORS 166.412, 166.435,  
3 166.436 and 166.438 and section 3, chapter 1, Oregon Laws 2023.

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

5 **SECTION 1.** Section 3, chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)), is amended  
6 to read:

7 **Sec. 3.** *[Definitions.]* As used in *[sections 3 to 10 of this 2022 Act]* **sections 3 to 5, chapter 1,**  
8 **Oregon Laws 2023 (Ballot Measure 114 (2022)):**

9 (1) "Criminal background check" has the *[same meaning given to this]* **meaning given that** term  
10 in ORS 166.432 (1)(a) to (e).

11 (2) "Department" means the Department of State Police.

12 (3) "Gun dealer" means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,  
13 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or  
14 otherwise.

15 (4) "Permit" or "permit-to-purchase" *[mean]* **means** an authorization issued to a person to pur-  
16 chase or acquire a firearm, provided all other requirements at the time of purchase or acquisition  
17 are met.

18 (5) "Permit **agent**" *[Agent]* means a county sheriff or police chief with jurisdiction over the  
19 residence of the person making an application for a permit-to-purchase, or their designees.

20 (6) "Transfer" has the meaning given that term in ORS 166.435 *[(1)(a)]*.

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

23 **SECTION 2.** Section 3 of this 2023 Act is added to and made a part of sections 3 to 5,  
24 chapter 1, Oregon Laws 2023 (Ballot Measure 114 (2022)).

25 **SECTION 3.** (1) A county may adopt an ordinance providing that:

26 (a) **The county sheriff is not required to act as a permit agent under sections 3 to 5,**  
27 **chapter 1, Oregon Laws 2023;**

28 (b) **A police chief of a law enforcement agency with jurisdiction entirely within the**  
29 **county is not required to act as a permit agent under sections 3 to 5, chapter 1, Oregon Laws**  
30 **2023;**

**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 (c) A gun dealer or a transferor located within the county is not required to verify that  
 2 a transferee who is a resident of the county has a permit to purchase a firearm prior to  
 3 delivering the firearm to the transferee; and

4 (d) A resident of the county is not required to obtain a permit to purchase a firearm  
 5 prior to purchasing or otherwise receiving a firearm from a gun dealer or transferor located  
 6 within the county.

7 (2) If a county adopts an ordinance described in this section, the governing body of the  
 8 county shall provide the text of the ordinance to:

9 (a) The Department of State Police;

10 (b) The county sheriff and all police chiefs within the county; and

11 (c) All gun dealers within the county.

12 **SECTION 4.** ORS 166.412, as amended by section 6, chapter 1, Oregon Laws 2023, is amended  
 13 to read:

14 166.412. (1) As used in this section:

15 (a) “Antique firearm” has the meaning given that term in 18 U.S.C. 921;

16 (b) “Department” means the Department of State Police;

17 (c) “Firearm” has the meaning given that term in ORS 166.210, except that it does not include  
 18 an antique firearm;

19 (d) “Firearms transaction record” means the firearms transaction record required by 18 U.S.C.  
 20 921 to 929;

21 (e) “Firearms transaction thumbprint form” means a form provided by the department under  
 22 subsection (11) of this section;

23 (f) “Gun dealer” means a person engaged in the business, as defined in 18 U.S.C. 921, of selling,  
 24 leasing or otherwise transferring a firearm, whether the person is a retail dealer, pawnbroker or  
 25 otherwise; *[and]*

26 (g) “Permit” means an authorization issued to a person to purchase or acquire a firearm,  
 27 provided all other requirements at the time of purchase or acquisition are met; and

28 *[(g)]* (h) “Purchaser” means a person who buys, leases or otherwise receives a firearm from a  
 29 gun dealer.

30 (2) Except as provided in subsection (12) of this section **or an ordinance adopted under sec-**  
 31 **tion 3 of this 2023 Act**, a gun dealer shall comply with the following before a firearm is delivered  
 32 to a purchaser:

33 (a) The purchaser shall present to the gun dealer current identification meeting the require-  
 34 ments of subsection (4) of this section and a valid permit issued under section 4, chapter 1, Oregon  
 35 Laws 2023.

36 (b) The gun dealer shall complete the firearms transaction record and obtain the signature of  
 37 the purchaser on the record.

38 (c) The gun dealer shall obtain the thumbprints of the purchaser on the firearms transaction  
 39 thumbprint form and attach the form to the gun dealer’s copy of the firearms transaction record to  
 40 be filed with that copy.

41 (d) The gun dealer shall, by telephone or computer, verify that the purchaser has a valid  
 42 *[permit-to-purchase]* **permit to purchase** a firearm issued under section 4, chapter 1, Oregon Laws  
 43 2023, and request that the department conduct a criminal history record check on the purchaser and  
 44 shall provide the following information to the department:

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

- 1 (B) The business name of the gun dealer;
- 2 (C) The place of transfer;
- 3 (D) The name of the person making the transfer;
- 4 (E) The make, model, caliber and manufacturer's number of the firearm being transferred;
- 5 (F) The name and date of birth of the purchaser;
- 6 (G) The Social Security number of the purchaser if the purchaser voluntarily provides this  
7 number to the gun dealer; and
- 8 (H) The type, issuer and identification number of the identification presented by the purchaser.
- 9 (e) The gun dealer shall receive a unique approval number for the transfer from the department  
10 and record the approval number on the firearms transaction record and on the firearms transaction  
11 thumbprint form.
- 12 (f) The gun dealer may destroy the firearms transaction thumbprint form five years after the  
13 completion of the firearms transaction thumbprint form.
- 14 (3)(a) Upon receipt of a request of the gun dealer for a criminal history record check, the de-  
15 partment shall immediately, during the gun dealer's telephone call or by return call:
- 16 (A) Determine, from criminal records and other information available to it, whether the pur-  
17 chaser is disqualified under ORS 166.470 from completing the purchase; and
- 18 (B) Notify the gun dealer when a purchaser is disqualified from completing the transfer or pro-  
19 vide the gun dealer with a unique approval number indicating that the purchaser is qualified to  
20 complete the transfer.
- 21 (b) If the department is unable to determine if the purchaser is qualified or disqualified from  
22 completing the transfer within 30 minutes, the department shall notify the gun dealer and provide  
23 the gun dealer with an estimate of the time when the department will provide the requested infor-  
24 mation.
- 25 (c) The dealer may not transfer the firearm unless the dealer receives a unique approval number  
26 from the department and, within 48 hours of completing the transfer, the dealer shall notify the state  
27 that the transfer [*to the permit holder*] was completed.
- 28 (4)(a) Identification required of the purchaser under subsection (2) of this section shall include  
29 one piece of current identification bearing a photograph and the date of birth of the purchaser that:
- 30 (A) Is issued under the authority of the United States Government, a state, a political subdivi-  
31 sion of a state, a foreign government, a political subdivision of a foreign government, an interna-  
32 tional governmental organization or an international quasi-governmental organization; and
- 33 (B) Is intended to be used for identification of an individual or is commonly accepted for the  
34 purpose of identification of an individual.
- 35 (b) If the identification presented by the purchaser under paragraph (a) of this subsection does  
36 not include the current address of the purchaser, the purchaser shall present a second piece of  
37 current identification that contains the current address of the purchaser. The Superintendent of  
38 State Police may specify by rule the type of identification that may be presented under this para-  
39 graph.
- 40 (c) The department may require that the gun dealer verify the identification of the purchaser if  
41 that identity is in question by sending the thumbprints of the purchaser to the department.
- 42 (5) The department shall establish a telephone number that shall be operational seven days a  
43 week between the hours of 8 a.m. and 10 p.m. for the purpose of responding to inquiries from gun  
44 dealers for a criminal history record check under this section.
- 45 (6) No public employee, official or agency shall be held criminally or civilly liable for performing

1 the investigations required by this section provided the employee, official or agency acts in good  
 2 faith and without malice.

3 (7)(a) The department may retain a record of the information obtained during a request for a  
 4 criminal history record check for no more than five years, except for the information provided to  
 5 the dealer under subsection (2)(d) of this section, sufficient to reflect each firearm purchased by a  
 6 permit holder, which must be attached to the electronic record of the permit stored by the depart-  
 7 ment. The department may develop a system for removal of the information in subsection (2)(d)(E)  
 8 of this section, upon proof of sale or transfer of the firearm to another permit holder and for re-  
 9 cording of the information to reflect the transfer of ownership to the permit of the new owner.

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

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

17 (d) If the department determines that, based on the judgment of conviction, the purchaser is  
 18 prohibited from possessing a firearm as a condition of probation or that the purchaser is currently  
 19 on post-prison supervision or parole, the department shall report the attempted transfer to the  
 20 purchaser's supervising officer and the district attorney of the county in which the conviction oc-  
 21 curred.

22 (e) If the department determines that the purchaser is prohibited from possessing a firearm due  
 23 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer  
 24 to the court that issued the order.

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

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

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

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

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

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

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

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

44 (8) A law enforcement agency may inspect the records of a gun dealer relating to transfers of  
 45 firearms with the consent of a gun dealer in the course of a reasonable inquiry during a criminal

1 investigation or under the authority of a properly authorized subpoena or search warrant.

2 (9) When a firearm is delivered, it shall be unloaded.

3 (10) In accordance with applicable provisions of ORS chapter 183, the Superintendent of State  
4 Police may adopt rules necessary for:

5 (a) The design of the firearms transaction thumbprint form;

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

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

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

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

12 (12) This section does not apply to transactions between persons licensed as dealers under 18  
13 U.S.C. 923.

14 (13)(a) If requested by a transferor who is not a gun dealer, a gun dealer may request a criminal  
15 background check pursuant to ORS 166.435 or 166.438 and may charge a reasonable fee for providing  
16 the service.

17 (b) A gun dealer that requests a criminal background check under this subsection is immune  
18 from civil liability for any use of the firearm by the recipient or transferee, provided that:

19 (A) The gun dealer requests the criminal background check as described in this section [*and*  
20 *also provided that*];

21 (B) **Unless a permit is not required under an ordinance adopted under section 3 of this**  
22 **2023 Act**, the dealer verifies that the recipient has a valid [*permit-to-purchase*] **permit to purchase**  
23 the firearm; and

24 (C) The dealer has received a unique approval number from the department indicating successful  
25 completion of the background check.

26 (14)(a) **Unless a permit is not required under an ordinance adopted under section 3 of this**  
27 **2023 Act**, knowingly selling or delivering a firearm to a purchaser or transferee who does not have  
28 a valid [*permit-to-purchase*] **permit to purchase** a firearm in violation of subsection (2)(d) of this  
29 section[, *or prior to receiving a unique approval number from the department based on the criminal*  
30 *background check in violation of subsection (3)(c) of this section*] is a Class A misdemeanor.

31 (b) **Knowingly selling or delivering a firearm to a purchaser or transferee prior to re-**  
32 **ceiving a unique approval number from the department based on the criminal background**  
33 **check in violation of subsection (3)(c) of this section is a Class A misdemeanor.**

34 **SECTION 5.** ORS 166.435, as amended by section 7, chapter 1, Oregon Laws 2023, is amended  
35 to read:

36 166.435. (1) As used in this section:

37 (a) **“Permit” means an authorization issued to a person to purchase or acquire a firearm,**  
38 **provided all other requirements at the time of purchase or acquisition are met.**

39 [(a)] (b) **“Transfer” means the delivery of a firearm from a transferor to a transferee, including,**  
40 **but not limited to, the sale, gift, loan or lease of the firearm. “Transfer” does not include the tem-**  
41 **porary provision of a firearm to a transferee if the transferor has no reason to believe the transferee**  
42 **is prohibited from possessing a firearm or intends to use the firearm in the commission of a crime,**  
43 **and the provision occurs:**

44 (A) At a shooting range, shooting gallery or other area designed for the purpose of target  
45 shooting, for use during target practice, a firearms safety or training course or class or a similar

1 lawful activity;

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

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

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

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

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

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

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

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

19 (3)(a) A transferor may transfer a firearm to a transferee only as provided in this section. Except  
20 as provided in paragraph (b) of this subsection, prior to the transfer both the transferor and the  
21 transferee must appear in person before a gun dealer, with the firearm and, **unless a permit is not**  
22 **required under an ordinance adopted under section 3 of this 2023 Act**, a valid [*permit-to-*  
23 *purchase*] **permit** issued to the transferee under section 4, chapter 1, Oregon Laws 2023, and request  
24 that the gun dealer perform a criminal background check on the transferee.

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

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

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

32 (A) Receives a unique approval number from the Department of State Police indicating that the  
33 transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, enter the  
34 firearm into the gun dealer’s inventory and transfer the firearm to the transferee.

35 (B) Receives notification that the transferee is prohibited by state or federal law from possessing  
36 or receiving the firearm or that the department is unable to determine if the transferee is qualified  
37 or disqualified from completing the transfer, the gun dealer shall notify the transferor and neither  
38 the transferor nor the gun dealer shall transfer the firearm to the transferee. If the transferor  
39 shipped or delivered the firearm to the gun dealer pursuant to paragraph (b) of this subsection, the  
40 gun dealer shall comply with federal law when returning the firearm to the transferor.

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

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

44 (a) The transfer of a firearm by or to a law enforcement agency, or by or to a law enforcement  
45 officer, private security professional or member of the Armed Forces of the United States, while that

1 person is acting within the scope of official duties.

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

4 (c) The transfer of a firearm to:

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

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

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

8 (D) A transferor's sibling;

9 (E) A transferor's grandparent;

10 (F) A transferor's grandchild;

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

12 (H) A transferor's first cousin;

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

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

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

18 (A) The transfer is conducted or facilitated by a personal representative, as defined in ORS  
19 111.005, or a trustee of a trust created in a will; and

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

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

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

27 **SECTION 6.** ORS 166.436, as amended by section 8, chapter 1, Oregon Laws 2023, is amended  
28 to read:

29 166.436. (1) The Department of State Police shall make the telephone number established under  
30 ORS 166.412 (5) available for requests for criminal background checks under this section from per-  
31 sons who are not gun dealers and who are transferring firearms at gun shows.

32 (2) Prior to transferring a firearm at a gun show, a transferor who is not a gun dealer shall by  
33 telephone verify that the transferee has a valid [*permit-to-purchase*] **permit to purchase** a firearm  
34 **issued** under section 4, chapter 1, Oregon Laws 2023, **unless a permit is not required under an**  
35 **ordinance adopted under section 3 of this 2023 Act**, and **shall** request that the department con-  
36 duct a criminal background check on the recipient upon providing the following information to the  
37 department:

38 (a) The name, address and telephone number of the transferor;

39 (b) The make, model, caliber and manufacturer's number of the firearm being transferred;

40 (c) The name, date of birth, race, sex and address of the recipient;

41 (d) The Social Security number of the recipient if the recipient voluntarily provides that number;

42 (e) The address of the place where the transfer is occurring; and

43 (f) The type, issuer and identification number of a current piece of identification bearing a re-  
44 cent photograph of the recipient presented by the recipient. The identification presented by the re-  
45 cipient must meet the requirements of ORS 166.412 (4)(a).

1 (3)(a) Upon receipt of a request for a criminal background check under this section, the de-  
2 partment shall immediately, during the telephone call or by return call:

3 (A) Determine from criminal records and other information available to it whether the recipient  
4 is disqualified under ORS 166.470 from completing the transfer or is otherwise prohibited by state  
5 or federal law from possessing a firearm; and

6 (B) Notify the transferor when a recipient is disqualified from completing the transfer or provide  
7 the transferor with a unique approval number indicating that the recipient is qualified to complete  
8 the transfer. The unique approval number is [*a permit*] **an authorization** valid for 24 hours for the  
9 requested transfer. If the firearm is not transferred from the transferor to the recipient within 24  
10 hours after receipt of the unique approval number, a new request must be made by the transferor.

11 (b) If the department is unable to determine whether the recipient is qualified for or disqualified  
12 from completing the transfer within 30 minutes of receiving the request, the department shall notify  
13 the transferor and provide the transferor with an estimate of the time when the department will  
14 provide the requested information.

15 (c) The transferor may not transfer the firearm unless the transferor receives a unique approval  
16 number from the department and, within 48 hours of the completed transfer, the transferor shall  
17 notify the state that the transfer [*to the permit holder*] was completed.

18 (4) A public employee or public agency incurs no criminal or civil liability for performing the  
19 criminal background checks required by this section, provided the employee or agency acts in good  
20 faith and without malice.

21 (5)(a) The department may retain a record of the information obtained during a request for a  
22 criminal background check under this section for the period of time provided in ORS 166.412 (7),  
23 *as amended by chapter 1, Oregon Laws 2023*].

24 (b) The record of the information obtained during a request for a criminal background check  
25 under this section is exempt from disclosure under public records law.

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

31 (d) If the department determines that, based on the judgment of conviction, the recipient is  
32 prohibited from possessing a firearm as a condition of probation or that the recipient is currently  
33 on post-prison supervision or parole, the department shall report the attempted transfer to the  
34 recipient's supervising officer and the district attorney of the county in which the conviction oc-  
35 curred.

36 (e) If the department determines that the recipient is prohibited from possessing a firearm due  
37 to a court order described in ORS 166.255 (1)(a), the department shall report the attempted transfer  
38 to the court that issued the order.

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

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

44 (h) On or before January 31 of each year, a law enforcement agency or a prosecuting attorney's  
45 office that received a report pursuant to paragraph (c) of this subsection during the previous cal-



1 endar year shall inform the department of any action that was taken concerning the report and the  
2 outcome of the action.

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

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

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

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

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

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

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

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

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

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

26 **SECTION 7.** ORS 166.438, as amended by section 9, chapter 1, Oregon Laws 2023, is amended  
27 to read:

28 166.438. (1) A transferor who is not a gun dealer may not transfer a firearm at a gun show un-  
29 less the transferor:

30 (a)(A) **Unless a permit is not required under an ordinance adopted under section 3 of this**  
31 **2023 Act**, verifies with the Department of State Police that the recipient has a valid [*permit-to-*  
32 *purchase*] **permit** issued under section 4, chapter 1, Oregon Laws 2023;

33 (B) Requests a criminal background check under ORS 166.436 prior to completing the transfer;

34 (C) Receives a unique approval number from the department indicating that the recipient is  
35 qualified to complete the transfer; and

36 (D) Has the recipient complete the form described in ORS 166.441; or

37 (b) Completes the transfer through a gun dealer.

38 (2) The transferor shall retain the completed form referred to in subsection (1) of this section  
39 for at least five years and shall make the completed form available to law enforcement agencies for  
40 the purpose of criminal investigations.

41 (3) A person who organizes a gun show shall post in a prominent place at the gun show a notice  
42 explaining the requirements of subsections (1) and (2) of this section. The person shall provide the  
43 form required by subsection (1) of this section to any person transferring a firearm at the gun show.

44 (4) Subsection (1) of this section does not apply if the transferee is licensed as a dealer under  
45 18 U.S.C. 923.

1 (5)(a) Failure to comply with the requirements of subsection (1), (2) or (3) of this section is a  
2 Class A misdemeanor.

3 (b) Notwithstanding paragraph (a) of this subsection, failure to comply with the requirements  
4 of subsection (1), (2) or (3) of this section is a Class C felony if the person has two or more previous  
5 convictions under this section at the time of the offense.

6 (6) It is an affirmative defense to a charge of violating subsection (1) or (3) of this section that  
7 the person did not know, or reasonably could not know, that more than 25 firearms were at the site  
8 and available for transfer.

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